

Reports on the work of the Indian De'legation to the Preparatory Commission and the First Part of the First Session of the General Assembly of the United Nations

1945-46

(These two reports should be read with the Report by the
Executive Committee to the Preparatory Commission
of the United Nations and the Report of the Prepara-
tory Commission of the United Nations)



Parts I and II

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GOVERNMENT OF INDIA

From

M. Ikramullah, Esquire, C.I.E., I.C.S.,
Secretary-Adviser to the Indian Delegation.

To

The Hon'ble Dewan Bahadur Sir A. Ramaswami Mudaliar, K.C.S.I.,
Leader of the Indian Delegation to the Preparatory Commission and
the First Session of the General Assembly of the U.N.O., New Delhi.

Dated, New Delhi, the 8th May 1946.

Sir,

I have the honour to submit herewith my reportson the work of the Indian Delegation to the Preparatory Commission as well as the First Session of the General Assembly of the U.N.O. held at London during November-December 1945 and January-February 1946 respectively.

I have the honour to be,

Sir,

Your most obedient servant,

M. Ikramullah.

SECRETARY—ADVISER.

No. 591/RM.

1. Queen Victoria Road,
New Delhi, the 9th May, 1946.

My dear Weightman,

I am sending herewith two reports prepared by Mr. Ikramullah, Secretary to the Indian Delegation to the Preparatory Commission and to the First Session of the General Assembly. The reports are those of Mr. Ikramullah and not of the Delegation, but it is fair to say that, having gone through them, I consider the reports as a very fair and good summary of the work both of the Delegation and of the proceedings of the conference themselves.

2. As the sole delegate for the Preparatory Commission and as the Leader of the Delegation to the General Assembly I feel that I must place on record my grateful thanks and sincere appreciation of the work of my colleagues, the delegates and all the advisers. In particular, I should single out among the advisers Mr. Ikramullah himself, who spared neither time nor energy in the discharge of his responsibilities. His devotion to the task that was entrusted to him was admirable. I should also like to add that Mr. K. N. Nagar my Personal Assistant whom I took with me, made himself very generally useful to the entire Delegation and did excellent work throughout.

Yours sincerely,

A. R. Mudaliar.

H Weightman, Esq., C.S.I., C.I.E., I.C.S.

Secretary to the Government of India
in the External Affairs Department.

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PART I

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PART I

Report on the work of the Indian Delegation to the Preparatory Commission of the United Nations.

CHAPTER I

INTRODUCTORY

The Interim Arrangements setting up the Preparatory Commission of the United Nations were signed on the 26th June, 1945, at the same time as the Charter of the United Nations and charged the Preparatory Commission with making the arrangements remaining between the signing of the Charter and convening of the first sessions of the principal organisations of the United Nations.

The first session of the Preparatory Commission was held in San Francisco on the 27th June, 1945. It was agreed at this meeting that an Executive Committee should carry on the work of the Commission in London and should call a full session of the Commission as soon as possible after the Charter had come into effect. The Charter came into effect on Wednesday the 24th October, 1945. The Executive Committee which was composed of the representatives of the Governments of Australia, Brazil, Canada, Chile, China, Czechoslovakia, France, Iran, Mexico, the Netherlands, the U.S.S.R., the United Kingdom, U. S. A. and Yugoslavia, after nine weeks of intensive work drafted a Report to the Preparatory Commission. This Report and other material were submitted to the Preparatory Commission at its second session which was opened in London on Saturday the 24th November 1945.

The Indian Delegation to the second session of the Preparatory Commission consisted of the following:—

Delegate—

The Hon'ble Dewan Bahadur Sir A. Ramaswami Mudaliar, K.C.S.I., Supply Member of the Governor-General's Executive Council.

Alternate Delegates—

Sir Samuel Runganadhan, High Commissioner for India in London.

Sir V. T. Krishnamachari, K.C.I.E., formerly Dewan of Baroda.

Advisers—

Sir John Bartley, C.S.I., C.I.E., formerly Additional Secretary to the Government of India in the Legislative Department.

Mr. M. Ikramullah, I.C.S., Joint Secretary to the Government of India in the Supply Department.

Mr. M. K. Vellodi, C.I.E., I.C.S., Deputy High Commissioner for India in London.

Secretary to the Delegate—

Mr. M. Ikramullah, I.C.S., Joint Secretary to the Government of India in the Supply Department.

Opening of the Session

The Delegate of the Host Government, the Rt. Hon. P. J. Noel-Baker acted as Temporary Chairman and gave the address of welcome. He stated that His Majesty's Government attached the utmost importance to the deliberations of the United Nations and that it was the first object of their foreign policy to make the United Nations Organisation a success. He complimented the Executive Committee on the great work it had done in producing its report for the consideration of the Commission.

Mr. Spaak (Belgium) replied to the address of welcome and on behalf of his fellow delegates assured the Chairman of their full support. He also thanked the Executive Committee for its splendid groundwork.

At the second preliminary meeting the Preparatory Commission elected Mr. Eduardo Zuleta Angel, first Delegate for Columbia, as the first Chairman of the Preparatory Commission.

Dr. Manuilsky (Ukraine S.S.R.) and Mr. Spaak (Belgium) were elected as Vice-Chairmen. The Commission then proceeded to adopt the Agenda.

The report of the Executive Committee was presented by its Chairman Mr. de Freitas-Valle (Brazil). It was remitted for detailed consideration by eight technical Committees which were set up. The names of the members of the India Delegation who attended these Committees are given below.

Committee 1	General Assembly	Sir Ramaswami Mudaliar. Mr. M. Ikramullah.
Committee 2	Security Council	Sir V. T. Krishnamachari. Mr. M. K. Vellodi.
Committee 3	Economic and Social	Sir Ramaswami Mudaliar. Mr. M. Ikramullah.
Committee 4	Trusteeship	Sir V. T. Krishnamachari. Sir John Bartley.
Committee 5	Legal questions	Sir John Bartley.
Committee 6	Administrative and Budgetary	Sir Ramaswami Mudaliar. Sir Samuel Runganadhan. Sir John Bartley.
Committee 7	League of Nations	Sir Samuel Runganadhan Mr. M. K. Vellodi
Committee 8	General Questions	Sir Ramaswami Mudaliar Sir V. T. Krishnamachari

The work of the Committees is discussed in the subsequent chapters. The reports of these Committees were discussed by the Preparatory Commission at the 3rd and 4th preliminary meetings held on Tuesday 18th December and Sunday 23rd December, 1945. A brief resume of these discussions pertaining to the work of each Committee will be found at the end of each chapter.

CHAPTER II.—COMMITTEE 1—GENERAL ASSEMBLY

The first meeting of Committee 1 (General Assembly) was held on Tuesday 27th December, 1945. Mr. E. Colbar (Norway) and Mr. Manuel Perez Guerrero (Venezuela) were elected respectively, Chairman and Vice-Chairman of the Committee. Altogether the Committee held 21 meetings.

The main function of this Committee was to consider and report to the Preparatory Commission on Chapter I of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter I or clauses of the interim arrangements relating to the General Assembly. Chapter I of the Report contained four sections. These sections were considered by the Committee in the reverse order. The first proposal to be considered dealt with the "Committee structure of the General Assembly". The Committee agreed without much ado to set up a Political and Security Committee but the proposals regarding the Economic and Financial Committee, and Social, Humanitarian and Cultural Committee were the subject of a great deal of discussion. Some members favoured the creation of one Committee on the ground that a single Committee should review the policy and the programmes of the Economic and Social Council. They argued that the interdependence of economic, social and humanitarian

questions was so great that their separation between two committees might damage the essential unity of the work on the policy level in the General Assembly. A number of other arguments were also given but those who were in favour of two committees based their arguments principally on the grounds of convenience and experience. The fields of work were enormous, they said, and would probably require different types of delegates and experts to deal with widely divergent problems. They felt that the work co-ordination could be left to the General Assembly itself. After protracted discussion the proposal was put to vote and by 28 to 14 the Committee decided on the creation of two main committees in the economic and social field. India and the Empire countries voted for the creation of two committees.

The Committee further accepted an amendment moved by Mr. Parra Velasco (Ecuador) suggesting that the Economic and Financial Committee might also consider any questions referred to it relating to the equilibrium and stabilisation of prices.

The proposals with regard to other committees were accepted without much discussion but a great deal of discussion did take place on the suggestion that the procedural committees should be three, namely—

- (a) General Committee,
- (b) Nominations Committee, and
- (c) Credentials Committee

During the discussion the Acting Chairman pointed out that it was originally contemplated that there might be a fourth procedural committee to be known as the Agenda Committee but it had been decided that the technical functions carried out by this body could be appropriately performed by the General Committee and the functions of the Agenda Committee had therefore been incorporated in those of the General Committee.

The question of the composition of the General Committee was discussed at some length. Several delegates emphasized the need for some smaller directing body to organise the work of the General Assembly. A Committee with full membership, it was thought, would not differ essentially from the Plenary Session and what they needed was a smaller committee with limited membership. Those who were in favour of a large committee felt that the General Committee should ensure the general political direction of the work of the General Assembly. Such a body must reflect all the elements of the General Assembly and its members must accordingly be chosen on the basis of broad, equitable, geographical representation. The opposing view was that the General Committee should ensure the practical organisation of the work of the Assembly and for this purpose should have among its members the Chairmen of the main Committees. The Delegate for Australia favoured a small joint committee. He was supported by the Delegate for Belgium. The Cuban Delegate however moved an amendment that the General Committee should consist of the President of each of the Delegations of the members of the United Nations. His proposal received support from the Delegates for Mexico, Lebanon and Egypt. A further amendment was proposed by the Soviet Union and by the Yugoslav Delegation. The Delegate for the U. S. A., however, suggested a compromise to the effect that a General Committee of 13 to 15 members might be elected with due regard to equitable, political and geographical representation and thereafter arrangements should be made to bring the Chairmen of the six main Committees to work with the General Committee. This proposal and others were referred to a sub-committee which was able to attain a considerable amount of agreement and recommended the formation of a committee to consist of 14 members no two of whom would be nationals of the same country and that it should be so constituted as to ensure its representative character. It should comprise the President of the General Assembly, seven Vice-Presidents elected so as to ensure the representative character of the Committee, and the Chairmen of the six main Committees, who would be nominated and elected by the committee on the basis of equitable geographical distribution, experience and personal competence. There were some

further discussions regarding the functions of the General Committee as recommended by the sub-committee but eventually the report of the sub-committee was adopted by 40 votes to 1. The only Delegate who voted against it was from Ecuador.

The proposal to set up a Nominations Committee was even more hotly discussed. The members who wanted to have a Nominations Committee argued that a properly constituted body would alone be capable of giving the exhaustive and intelligent appraisal necessary for the evaluation of the merits of different candidates and was a means of assuring the widest possible participation of Delegations in the leadership of the General Assembly. It was very necessary they said, to reconcile the two essential factors of the competence of the Delegates and the equitable geographical distribution of the total membership of the General Committee. The General Assembly and the Committees would be free to accept or reject proposals made by the Nominations Committee. Those who were against the creation of a Nominations Committee felt that the General Assembly was perfectly competent to perform these tasks and the concentration of the power to make nominations in one small group might prove dangerous. They stood for open and free elections. During the prolonged discussion many additional arguments both for and against the setting up of a Nominations Committee were advanced but in the end the Committee decided by 37 votes to 3 with 3 abstentions against the creation of a Nominations Committee. India voted with the majority.

The Committee agreed to the proposals for the setting up of (i) Credentials Committee, (ii) Advisory Administrative and Budgetary Committee, and (iii) Committee on Contributions.

The Credentials Committee was to consist of 9 members while the other two Committees of 7 members each. The proposal of the Netherlands Delegation to set up a standing committee of the General Assembly on Peace and Security was withdrawn after the Committee had decided that it could not be discussed.

The consideration of the provisional rules of procedure for the General Assembly occupied a great deal of the time of the Committee. There were lengthy discussions in which Sir Ramaswami Mudaliar intervened on a number of occasions. A number of amendments were moved, discussed, modified and withdrawn and the provisional rules and also the supplementary provisional rules of procedure as they finally emerged from the Committee will be found in Section B—Chapter I of the Report of the Preparatory Commission.

Supplementary rule P (now supplementary rule T) was the subject of a protracted discussion. The U. S. Delegate had suggested the inclusion of an additional rule empowering the Economic and Social Council to call international conferences under certain conditions. This suggestion was strongly opposed by the U. K. Delegate and others. Sir Ramaswami Mudaliar, however, thought that the American proposal was a most useful one in that it permitted the Council to act in urgent cases. He added that the calling of an international conference had already been recommended by the San Francisco Conference. Eventually the U. S. proposal and other proposals were referred to a sub-committee which put up before the Committee an agreed draft which now is rule T. This draft was accepted by the Committee with the inclusion of the following words:—"including the following matters: trade and unemployment, and health", at the end.

The preparation of the provisional agenda for the first part of the first session of the General Assembly Appendix C was not completed without a great deal of controversy. Most of the items were accepted without discussion but the original item 4: Presentation of the Report by the Preparatory Commission and the original item 14: Opening of the General Discussion on the Report of the Preparatory Commission were found to be unacceptable to the Russian Delegation who suggested the addition of the words "concerning the General Assembly" in both these items. The main Russian objection was that the report of the Preparatory Commission relating to the Security Council should

not come before the General Assembly for discussion. This proposal was very strongly opposed by some of the delegations. Various formulae were suggested to meet the situation and eventually the Russian Delegate suggested the omission of item 4 and the modification of item 14 to include "excluding that part of the recommendations prepared for the Security Council for information only". Sir Ramaswami Mudaliar recalled the lengthy debate on this point of principle at San Francisco and emphasised that the problem of the relationship between the Council and the Assembly was not one which could be decided by the Preparatory Commission but one which could only be thrashed out over a period of years. He did not think that they were justified in saying that the procedure of the Security Council should not be discussed by the General Assembly as the Interim Arrangements had made no distinction between the Security Council and the other organs of the United Nations. He suggested accordingly that item 14 should be amended by the addition of the phrase "such parts of the report as are relevant" and that the decision should thus be postponed until the first part of the first session of the Assembly. A number of other amendments were suggested and the debate continued for a long time. Finally the Russian Delegate suggested that the two proposals made by him should be voted upon in the reverse order. This was done and both the Russian proposals were defeated by heavy majorities. On both the occasions India voted against the Russian proposals. The Chairman then put to vote the proposal of the Canadian Delegation to amend item 14 to read "opening of discussion on these sections of the report which the General Assembly may decide to consider". This proposal was adopted by 26 votes against 4 with 7 abstentions. India voted for the amendment while the Delegates for Belgium, Bolivia, Soviet Union and Ukraine voted against the amendment. The Delegates for Byelorussia, France, Iran, Netherlands, Poland, Saudi Arabia and Yugoslavia abstained. Other items of the agenda were adopted without much discussion. Towards the end, Sir Ramaswami Mudaliar in his capacity as Chairman of Committee 3 proposed the insertion of a new item relating to the problem of refugees. This proposal was opposed by the Russian Delegate supported by the Czecho-Slovak Delegate. The Committee, however, decided by 18 votes to 5 with some abstentions that the item should be added to the Agenda.

The report of Committee 1 was considered by the Preparatory Commission at its 4th Plenary Meeting and was adopted without discussion the Delegate for Cuba having offered not to exercise his right to move amendments in the General Assembly.

CHAPTER III.—COMMITTEE 2—SECURITY COUNCIL

Committee 2 held its first meeting on the 27th November, 1945, and unanimously elected Mr. Zygmunt Modzelewski (Poland) as Chairman and Mr. G. Heaton Nicholls (South Africa) as Vice-Chairman. Altogether it held 10 meetings.

The main purpose of the Committee was to examine Chapter II of the Report by the Executive Committee to the Preparatory Commission. The Committee approved without discussion Section 1 of the Chapter concerning the Security Council. Similarly it adopted section 2 dealing with the provisional agenda for the first meeting of the Security Council the only change being to shift item 8 to the latter part of the agenda in order to allow more time for the election of the Judges of the International Court of Justice. Section 3 containing the draft directive to the Military Staff Committee was also approved without discussion.

Section 4 which dealt with the provisional rules of procedure for the Security Council, however, did not have a plain sailing. A number of amendments were proposed. Most of them concerned the compulsory period of notice which the Secretary General was bound to give in calling ordinary or special meetings, circulation of the agenda, etc. For instance, it was suggested that under rule 5 the period of 48 hours specified did not provide sufficient time for adequate consideration of the important subjects likely to be included in the agenda and

a period of 7 days was suggested. This was objected to on the ground that such a long interval would hamper the work of the Security Council in handling emergencies. It was eventually decided that the question should not be prejudged and the decision should be left to the Security Council.

The Delegate for Syria proposed an important amendment to rule 31 but said that the last sentence of the rule should read as follows:—"a Member of the United Nations shall at all times have the right to consult the record of private meetings at the Secretariat. The Security Council whenever its deliberations dealt with persons or with the application of the sanctions provided for by the Charter, may decide to limit the right to consult such records to those Members represented on the Council". In introducing his amendment Dr. Zeineddine (Syria) pointed out that rule 31 as drafted by the Executive Committee denied access to the summary of a private meeting to Members of the United Nations not represented on the Security Council. Although this was partly a question of procedure it also involved issues of substance. Since the Security Council was an organ of the United Nations acting on behalf of all members they should have the opportunity and the right to be acquainted with its proceedings. This did not imply a right to control its work. Those in favour of the amendment pointed out that the decisions of the Security Council might demand serious sacrifices from Members and they should be given a chance of knowing the reasons for those decisions. Members making honest and sincere decisions had no reason for fearing that other members would know their convictions.

This proposal was opposed by a number of Delegations and the Canadian Delegate proposed a further amendment which confined the right of reference to records only to those who had the right to participate in the meeting itself. The Delegates of the United Kingdom, and of Soviet Russia both maintained that the draft rule 31 contained no implications of secret diplomacy. The Russian Delegate further pointed out that the main purpose of the rule was to create favourable conditions for the Security Council in its discussion of important military questions and sanctions. He thought that the Canadian amendment did not clearly indicate which Governments were invited to participate in the discussions of the Security Council and would, if the amendment were accepted, be entitled to consult some of the records. He supported the Australian suggestion that the last sentence of rule 31 namely: "representatives of the Members who have taken part in the meeting shall at all times have the right to consult the records at the Secretariat" should be deleted. At the request of the Syrian Delegate the amendment was put to vote along with other amendments. In fact, rule 31 was voted upon sentence by sentence. The first sentence namely: "the Security Council may decide that, after a private meeting, a summary record in single copy shall alone be made" was adopted with only the Delegate for Ecuador dissenting. After some discussion the second sentence was modified as follows:—"this record shall be kept by the Secretary General and the representatives of the States who have taken part in the meeting may have corrections made in their own speeches within a period of 10 days". This wording was approved by 24 votes to 3 with one abstention. The third sentence, namely: "on the expiry of this period the records shall be considered as approved and shall be signed by the Secretary General" was accepted without objection. Then in accordance with the Australian motion the last sentence of rule 31 was deleted by 23 votes to 5. It read: "representatives of the Members who have taken part in the meeting shall at all times have the right to consult records at the Secretariat". There was a great deal of discussion even after the deletion and a number of Delegates tried to explain their vote. Finally the first sentence of the Syrian amendment was put to the vote. It read "the Members of the United Nations shall at all times have the right to consult the record of the private meetings at the Secretariat". This amendment was rejected by 17 votes to 9 with 5 abstentions. Thereupon the Delegate for Syria withdrew the second sentence of his amendment and the Delegate for Canada also withdrew the part of his amendment which had not been voted upon.

The Syrian Delegate also moved another amendment which read as follows: "The Security Council may invite members of the Secretariat or any person whom it considers competent for the purpose to supply it with information or to give other assistance in examining matters within its competence". There was some discussion but the proposal was adopted.

The rules concerning the languages came in for some discussion. The U. K. Delegate suggested the deletion of rules 17 to 25 and their substitution by the following rule:—"The rules adopted by the San Francisco Conference regarding languages shall prevail unless otherwise decided". This proposal was opposed by the Delegate for the Soviet Union who said that the fact that the Soviet Union and China were permanent members of the Security Council which would also include the Spanish speaking countries should be borne in mind. After he was assured that it would be for the Security Council itself to decide its own rules on languages at one of its first meetings, he agreed to accept the U. K. motion. A proposal made by the Canadian Delegate suggesting a draft of explanatory notes on the provisional rules of procedure for the Security Council was defeated as were also a number of other proposals submitted by the Delegates for Australia, Syria and Canada suggesting that the rules of procedure for the Security Council should be prepared before an occasion for their application arose so that all members of the United Nations should know them. In opposition it was argued that the rules of procedure approved by the Preparatory Commission were provisional and were merely the minimum necessary to permit the Security Council to commence its work. It might be wise to leave some matters not covered by rules of procedure in any case and the Security Council should frame its own procedure in the light of its own experience. These proposals were accordingly rejected as were a number of other proposals mainly from the Canadian Delegate.

The report of Committee 2 was considered by the Preparatory Commission at its third plenary meeting on Tuesday, 18th December, 1945 and was adopted without discussion.

CHAPTER IV

COMMITTEE 3—ECONOMIC AND SOCIAL

The Committee had its first meeting on the 27th November 1945, and elected Sir Ramaswami Mudaliar as Chairman by acclamation. Mr. Hvass (Denmark) was elected Vice-Chairman.

The Chairman announced that the Committee would begin its discussion of Chapters III and VIII of the Report by the Executive Committee. In order to facilitate and expedite the work, the Chairman suggested a new Order of Discussion. The result of this change was that this Committee got through one of the most complicated agenda in twelve sittings, and the Chairman was the first to present his Report to the Preparatory Commission.

In all the meetings of the Committee the Chairman took a very active part, and the results achieved by the Committee are largely due to his initiative. The work of the Committee has been fully reviewed by the Chairman in his speech before the Preparatory Commission. It is reproduced below.

"The Economic and Social Committee was charged with the function of going through Chapters III and VIII of the Report by the Executive Committee and of making recommendations thereon. Chapter III consisted of four sections. The first section was the recommendation to the Economic and Social Committee; the second deals with the agenda; the third deals with the rules of procedure to be adopted by the Economic and Social Council; and the fourth deals with the organization of the Economic and Social Council.

"Chapter VIII, which was approved by a separate sub-committee of the Committee, deals with questions relating to the bringing of specialized agencies into relationship with the Economic and Social and the United Nations organization.

"The Committee took up Chapter III first and concentrated its attention on section 4 regarding the organization of the Economic and Social Council. Then it dealt with the rules of procedure; and, lastly, with the recommendations to be made (section 1) and with the agenda for the first session of the Economic and Social Council.

"In dealing with section 4, the organization of the Economic and Social Council, it came up against the recommendations made by the Executive Committee which in general it approved. The Executive Committee in that section charged the Economic and Social Council to consider at its first session the setting up of certain commissions immediately. Those commissions were a commission on human rights, a commission on economics and employment, a temporary social commission and a statistical commission.

"The Committee of the Economic and Social Council dealt with one other question of vital importance which ought to be taken up at its very first session and regarding which a commission should first of all be set up, and that is a commission on narcotic drugs. In the recommendation of the Executive Committee this was left to be dealt with by the temporary social commission which will take up the activities conducted by the League of Nations in relation to matters such as slavery, traffic in women, child welfare and narcotic drugs. The Economic and Social Committee, in view of the importance of this particular subject, felt it should be lifted out of that omnibus category into a special commission, and that a commission on narcotic drugs should be established at once at the first session.

"In making this recommendation the Committee followed the previous recommendation which was made at the San Francisco Conference, where a declaration was appended by the Chinese Delegation to the report of the Economic and Social Committee and strongly recommended that the question of traffic in narcotic drugs should be taken up as an urgent problem by the Economic and Social Council when it was constituted.

"This is the only addition to the commissions that ought to be set up at the first session of the Economic and Social Council which your Committee has recommended.

"The next category of commissions which the Executive Committee had recommended was grouped under the title "possible commissions". These were commissions the setting up of which ought to be examined at the first session of the Economic and Social Council, and it was suggested that possibly the Economic and Social Council may feel impelled to set up these commissions also. The two commissions which were recommended by the Executive Committee were the Demographic Commission and a Temporary Transport and Communications Commission. At the instance of some Delegates another commission has been added to this list, ■ Fiscal Commission, the terms of reference of which are already contained in the Report by the Executive Committee. So that we have for the consideration of the first session of the Economic and Social Council the setting up of the five commissions I have already mentioned and the consideration of the possible setting up of three more commissions which your Committee has now recommended.

"There was ■ good deal of discussion on the question of setting up a co-ordination commission. Some Delegations felt very strongly that the work of co-ordination of the policies and, even more, of the activities either of the commissions set up by the Economic and Social Council or the specialized agencies which may be brought into relationship through the Economic and Social Council with the United Nations was a very important task, and that the sooner a co-ordination commission was set up the better it would be. It would co-ordinate the dates of meetings, the nature of the work. Having regard to the charters of the various specialized organizations and without infringing on the rights given by such charters to the specialized organizations, it may be in a position to avoid duplication of effort by more than one specialized agency or by a specialized agency and a commission or committee of the Economic and Social Council.

"An opposite school of thought suggested that the setting up of a co-ordination commission was a little premature, and there was also not complete agreement on the composition of the co-ordination commission proposed, and therefore ultimately the Committee came to the conclusion that the Economic and Social Council should at its first session consider the advisability of setting up a co-ordination commission.

"These are the main considerations that have been brought up in taking paragraph 4 of the Executive Committee's recommendation into review.

"There was considerable discussion on a proposal made by a Delegation regarding the setting up of a Refugee Commission. The Executive Committee had stated that among the most urgent problems which have to be dealt with and considered at the very first session of the Economic and Social Council was the problem of refugees, but it had not suggested in what manner this problem should be tackled. A proposal that a commission relating to this question should be set up immediately did not find favour with the Committee, but practically all the members of the Committee were agreed that the problem was urgent and that it should be considered in some form or another; only the actual manner in which a solution may have to be found by the Economic and Social Council for this problem did not find unanimous support. Neither was there a great deal of support for any particular solution devised.

"The question then came up as to how this problem should be tackled. There was some difference of opinion as to what was included in the term "refugee". There was also reference to the fact that certain political considerations may be involved in taking up the question of refugees, and the Economic and Social Committee felt that these political problems could only be thrashed out, not by itself but by the General Assembly, which would probably be seized of the matter.

"Therefore two recommendations emerged out of the consideration of this problem which the Economic and Social Committee adopted by a very large majority; first, that the problem of refugees should be considered by the General Assembly and that therefore a recommendation should go from the Economic and Social Committee that this problem should be considered by Committee 1, which was considering the agenda and all matters relating to the General Assembly; second, that this problem of refugees should also be simultaneously put on the agenda of the Economic and Social Council, so that that Council may also deal with it.

"I may here report that the matter was brought to the notice of Committee 1, which dealt with the agenda of the General Assembly, and that Committee 1 has again agreed to putting this subject on its agenda, so that in the agenda of the General Assembly for the first part of the First Session an item will appear, "Discussion on the problem of refugees," and the Committee members hope that the political aspects of the question will be thrashed out so that the Economic and Social Council when it comes to take up this matter on its own agenda will have a clearer picture of those political considerations which are involved in the handling of this problem. These are really the matters which were discussed with reference to section 4 and the constitution of the Economic and Social Council.

"Two other matters of a comparatively minor importance were also discussed. The committee considered that the committees of the Economic and Social Council should not be confused with the commissions and sub-commissions which may be set up by the Council. The Committees would be composed of members of the Economic and Social Council only. The commissions would be composed of governmental representatives, possibly members of the Economic and Social Council, possibly experts with no governmental contacts whatsoever and so on. But the committees of the Economic and Social Council, which will deal with various matters and which will be in existence during the sessions of the Economic and Social Council, would be committees of the members of the Economic and Social Council.

"It may be that the task of a committee is not finished during the session and therefore it is provided that the committee set up by the Economic and Social Council for any particular question may continue to be in session notwithstanding the fact that that particular session of the Economic and Social Council has been prorogued.

"Now Chapter VIII refers to the bringing into relationship of the various specialized agencies with the United Nations Organization through the machinery of the Economic and Social Council. The problem that was referred to the Preparatory Commission under the terms of the Interim Arrangements was to "examine the problems involved in the establishment of the relationship between specialized inter-governmental organizations and agencies and the Organization."

Chapter VIII as it emerged from the Executive Committee had this heading: "Recommendation to transmit, without approval or disapproval, observations on relationships with Specialized Agencies."

"The Committee felt that it would not be in keeping with its dignity or with the dignity of the Preparatory Commission that any observations should be transmitted without approval or disapproval. There was considerable discussion as to what those words meant and why it should be put in that form, and ultimately it was resolved that what was invited from the committee and from the Preparatory Commission was merely an examination of the problem. We resorted to the Oxford Dictionary to understand the meaning of the word "examination"; some of us had gone through it several times and the meaning was a little cloudy.

"Ultimately the Committee came to the conclusion that what was required of the Committee and therefore of the Preparatory Commission was merely to study the problems arising out of bringing into relationship the specialized agencies and to make observations on those problems.

"Therefore, it is now proposed that the heading should run as follows: "Observations on Relationships with Specialized Agencies," and the actual paragraph which is put before the Preparatory Commission, which, it is trusted, is in line with what was required by the Interim Arrangements, is this:

"The Preparatory Commission, having examined in general terms the problems involved in the establishment of the relationship between specialized inter-governmental organizations and agencies, and the Organization, submits to the General Assembly the observations set forth in section 5 (of this report) which are designed to serve as a guide to the Economic and Social Council in its negotiations with specialized agencies."

"That, the committee feels, carries out all the obligations that are cast upon the Preparatory Commission in this respect. You will notice that we have not put it forward as a separate chapter, but we have added it as a section to the report of the Economic and Social Committee, section 5.

"The agenda speaks for itself, and in the light of the observations that I have made, requires very little amplification or explanation.

"This report has been placed before the Drafting Committee, who were expected to put the report in proper form. They have examined it and Delegates have before them a list of the changes suggested.

"As Chairman, I have gone through this list very carefully and I felt it was my duty if any change of substance was made in the form of a drafting change to take it up with my Committee. The Drafting Committee had made no change which involves any substantial amendment of any of the proposals of the Committee.

"I therefore commend the report of this Committee and the Drafting Committee's report to this conference.

II

CHAPTER V

COMMITTEE 4.—Trusteeship.

The first meeting of the Committee was held on the 27th November, 1945 and Mr. G. (Belt) (Cuba) and Mr. Adlai Stevenson (U.S.A.) were elected Chairman and Vice-Chairman respectively. The Committee held 15 meetings altogether and considered the Chapter IV of the Report.

The main question that faced the Committee was how to bring the trusteeship system into existence. Under article 86 of the Charter, the Trusteeship Council could not be formed until a number of territories had been placed under trusteeship. The only territories that could be placed under trusteeship were—

- (i) territories under mandates, and
- (ii) colonial territories voluntarily placed under the scheme.

When no offers had been received under category (ii). It was therefore only territories under category (i), *viz.*, mandated territories, that could be placed under trusteeship, and until trusteeship agreements for these territories were accepted by the General Assembly, the Trusteeship Council could not be set up. The Executive Committee, therefore, recommended the formation of a temporary Trusteeship Council, consisting of—

- (a) Members administering mandated territories;
- (b) Members mentioned by name in article 23 who were not administering mandated territories; and
- (c) as many other Members as might be necessary to ensure that the total number of Members on the temporary Trusteeship Council was equally divided between administering and non-administering States, which would *inter-alia* assist the General Assembly in the examination of draft trusteeship agreements and also exercise such functions of the Trusteeship Council as the General Assembly might entrust to it.

This recommendation had been carried by a majority of the Executive Committee, the Soviet, Czecho-Slovakia and Yugoslavia delegations objecting to it on the grounds that the establishment of a temporary Trusteeship Council was not in accordance with the Charter and that it would delay the bringing into existence of the permanent Trusteeship Council. The discussions in Committee 4 centred largely on this issue.

Certain Delegations circulated proposals for avoiding the setting up of a temporary Trusteeship Council. At an early stage of the discussions, Sir V. T. Krishnamachari, pointed out that there was agreement on the following points:—

(i) The General Assembly should call upon the Mandatory powers to declare their readiness to place these territories under the trusteeship system, and

(ii) That these powers should also be invited to prepare draft trusteeship agreements and submit them for approval.

The General Assembly itself was too large a body for the expeditious consideration of these agreements. India therefore suggested that a recommendation should be made to the General Assembly to set up an *ad hoc* Committee with the object of considering trusteeship agreements, revising them where necessary, and submitting them for the approval of the General Assembly. This *ad hoc* committee should be composed more or less of the members suggested for the temporary Trusteeship Council as the balance between administering and non-administering states was most important. This proposal was supported by the U. K. Delegation—also by Belgium. During the discussions, however, it was found that the Soviet Delegation was against even an *ad hoc*

Committee. Ultimately a sub-committee was constituted to reconcile the proposals that had been made and to bring up, if possible, an approved scheme. This sub-committee unanimously recommended the following resolution which was accepted by the Trusteeship Committee:—

"The General Assembly of the United Nations calls on the states administering territories in accordance with the League of Nations mandates to undertake practical steps, in concert with the other states directly concerned, for the implementation of the provisions of Article 79 of the Charter providing for the conclusion of the agreements for approval preferably not later than the second part of the first session of the General Assembly."

"Those trusteeship matters which will be taken up by the General Assembly at the first part of its first session with the purpose of expediting the establishment of the trusteeship system, will be considered by the Trusteeship Committee of the General Assembly, using the methods which the General Assembly considers most appropriate for the further consideration of these matters."

In effect, the resolution left it to the General Assembly, in consultation with the Trusteeship Committee of the Assembly, to decide how the acceptance of trusteeship agreements from the mandatory powers should be expedited. As a consequence of this decision, the agenda and draft rules for the temporary Trusteeship Council submitted by the Executive Council became unnecessary and were not considered.

The rules of procedure submitted by the Executive Committee for the permanent Trusteeship Council were approved. There were discussions on the four points mentioned below:—

(i) The Committee decided that the Trusteeship Council should meet in regular session at least *twice* a year instead of once as recommended by the Executive Committee and that the President should be elected each session. The Scheme of reports to be submitted to the Trusteeship Council and from the Trusteeship Council to the General Assembly was changed to suit these modified provisions.

(ii) The rules as regards petitions concerning the affairs of trust territories were also modified. The power to reject petitions on grounds specified in rule 38 was removed.

(iii) *Visits to trust territories.*—In respect of periodical official visits to trust territories, rule 47 proposed by the Executive Committee laid down that in no case shall "all the agents designated for such visits be nationals of the administering authority of the territory".

This was changed as follows:—

"The agents shall be chosen for their competence and integrity, preferably from among non-nationals of the administering authority."

(iv) To ensure the fullest possible expression of the wishes of the local population when periodic surveys are conducted of the development of political institutions etc., in trust territories, the Ukrainian Delegation proposed an amendment adding to rule 61 the following sentence:—

"During such surveys, the Trusteeship Council if empowered to use various methods to ensure the fullest possible expression of the wishes of the local population, such as the voice of the representative organs if they exist, the holding of public elections of spokesmen, consultation with the national organisations, popular referendum, direct contact by the special representatives of the Trusteeship Council with the people of the territory, or other methods appropriate to the progressive state of political development of the people."

This proposed was carried by a large majority. India voted for it.

CHAPTER VI

COMMITTEE 5.—*Legal Questions*

The first meeting of the Committee 5 was held on the 27th November, 1945 and Badavi Pasha (Egypt) and Mr. R. R. Schreiber (Peru) were elected Chairman and Vice-Chairman respectively.

The primary function of Committee 5 was to consider that portion of the Report of the Executive Committee which dealt with Recommendations concerning the International Court of Justice, the registration and publication of Treaties and International Agreements, and the privileges and immunities to be enjoyed by the United Nations Organisation, its members and organs, agencies brought into relationship with it, and its staff. These Recommendations are set out in Section V of Part II of the Report of the Executive Committee and in Chapter V of Part III, and were five in number, the first three dealing with action to be taken to bring the International Court into being, the fourth recommending certain action to prepare the way for the registration and publication of treaties as soon as the Secretary-General and the General Assembly should have worked out certain preliminary technical details and settled certain matters bearing on the process to be employed, and the fifth submitting certain material on the question of privileges and immunities for the consideration of the General Assembly.

It was understood that Committee 5 should also deal with any legal problems referred to it any of the other Committees, but no such problem was, in fact, referred.

The Committee at its second meeting on 28th November, appointed two sub-Committees one to consider and report on Registration and Publication of Treaties and International Agreements, the other to report on the question of privileges and immunities. The Committee itself proceeded to consider the three recommendations affecting the setting up of the International Court.

The first of these merely invited the Preparatory Commission to confirm the action already taken by the Executive Committee in causing the Executive Secretary to issue the invitations, which under Article 5 of the Statute, the Secretary General is required to issue, calling for nominations for the post of Judge of the Court. Article 5 requires these invitations to be issued 3 months before the date of election, and requires them to be addressed to the States which are parties to the Statute and to the members of the national groups appointed under Article 2 of the Statute.

The Australian Delegation, perturbed by legalistic considerations and influenced by certain practical arguments, proposed that the election of Judges should be postponed until the second part of the first session of the General Assembly with a deferment of the date already fixed for the last receipt of nominations, so as to allow approximately two months between the deferred date and the convening of the second part of the first session of the General Assembly.

The legalistic considerations were the Delegation's doubts whether the national groups could have been in all cases constituted early enough to allow of the full three months reflection envisaged by Article 5, and whether the duty imposed on the Secretary General could be thus relegated anticipatorily to the Executive Secretary. The practical reasons were the desirability of securing ample time for weighing the qualifications of the candidates proposed. France supported Australia, adding, much to the gratification of the Latin American Republics, that it would welcome the possible opportunity of nominating a Spanish subject albeit Spain was not yet a member of the United Nations. United Kingdom favoured the proposal on the ground that it preferred "a better rather than a quicker Court", and that the programme laid down afforded little hope that suitable nominations could be made in time. But China, the U.S.A., the U.S.S.R. and many other States strongly opposed the Australian proposal. On the 3rd December 1945, Mr. Noel-Baker (U.K.)

expressed his willingness to abandon his support provided the Committee approved and embodied in its report a recommendation that in the agenda of the first part of the General Assembly Session the election of Judge to the International Court should be placed as late as possible among the items. France also withdrew its support. Australia, however, refused to withdraw its motion, which was in due course defeated. The Committee agreed to communicate to the Committee concerned with the preparation of the agenda of the General Assembly its opinion that the elections should figure as late as possible in the agenda. Mr. Bailey (Australia) appeared to be anxious to reserve liberty for the Australian Delegation to agitate the same point if necessary at a later stage.

The Committee then approved, with certain small alterations in the preamble stressing the desirability of delaying the elections, the draft recommendation to ratify the action of the Executive Committee in directing the Executive Secretary to issue invitations and take all necessary action thereafter required under Article 7 of the Charter. The last 12 words of this recommendation are, in fact, infelicitous, for any action required under Article 7, is action which must and no doubt will be taken by the Secretary General himself, and to purport to delegate it to the Executive Secretary, goes somewhat beyond the functions entrusted to the Preparatory Commission.

The Committee approved with little argument the other two draft recommendations relating to the International Court. In the first one, dealing with the dissolution of the Permanent Court of International Justice, the otiose reference to the text of the resolution, which it presupposed would have been moved in the League of Nations itself, was suppressed. The second was re-drafted in the form appropriate for its adoption as a resolution by the Preparatory Commission, and the only discussion provoked by it was on the paragraph specifying the considerations to which the General Assembly should have regard in fixing the emoluments of Judges. Here the draft recommends that in fixing these emoluments the General Assembly should see that their real value is not less than the real value of the emoluments of Judges of the Permanent Court. A Canadian amendment sought to replace this by a recommendation containing two elements—

(a) that the emoluments should be such as to guarantee the absolute independence of the Judges and to render the office acceptable to the most eminent of the persons qualified, and

(b) that they should be related to those of the senior officers of the Secretariat.

The addition of clause (b) proved fatal to this proposal, even though there were many who, including India, were not too favourably disposed to the criterion contained in the Executive Committee's draft. Mr. Beckett (U.K.) put the objection into words when he pointed out that it was not the salaries paid by the Permanent Court of International Justice that should be looked to so much as the highest judicial salary paid in any Court in the world. A large volume of opinion manifested itself against the suggestion that the salaries of the judges should be related in any way to the salaries of officers in the Secretariat. The Chairman eventually put the Canadian proposal without the sentence embodying consideration (b). It failed to receive necessary two-thirds majority. The criterion proposed by the Executive Committee with its reference to the salaries paid in the Permanent Court was then accepted by the Committee.

On 10th December 1945, the Sub-Committee entrusted with the examination of Executive Committee's recommendation on registration and publication of treaties and international Agreements laid before the Committee a simplified form of the draft recommendation prepared by the Executive Committee, in

which, however, one new point requiring further study, namely the stage at which a treaty or agreement should be registered, was embodied. This was accepted by the Committee without discussion.

On the same day, the first report from the Sub-Committee on Privileges and Immunities was presented. The Sub-Committee offered a redraft of the draft recommendation proposed by the Executive Committee, with a tentative text of a Convention which as the redrafted recommendation ran, was to be proposed by the General Assembly to the constituent Members for adoption. The "study" on Privileges and Immunities prepared by the Executive Committee for reference to the General Assembly for its consideration—the idea being that the General Assembly with the help of the study would subsequently evolve the recommendations or the Conventions referred to in Article 105 (3) of the Charter—would then have been practically jettisoned. China considered that these proposals of the Sub-Committee went too far. Dr. Liang (China) was unwilling to have the "study" jettisoned, and was unwilling, as indeed were other delegations including the U.S.A., to endorse all the proposals contained in the draft convention prepared by the Sub-Committee. He proposed that the action to be taken should be to recommend to the General Assembly either to make recommendations or propose conventions to constituent States, and to submit for the purpose of enabling the General Assembly to do so, both the original "study" made by the Executive Committee and the tentative draft convention prepared by the Sub-Committee of Committee 5. This proposal was eventually adopted. A redrafted recommendation embodying Dr. Liang's idea was accepted by the Committee, and the draft convention prepared by the Sub-Committee, now reduced to the status of a mere working paper, was considered and amended in detail, it being understood that the various States were not necessarily committed to support of all the proposals contained in the draft convention. The Privileges and Immunities to be accorded to members of the International Court and to Agents, Counsel, and Advocates of parties before the Court, were to be left to be settled after the Court had been consulted, the rules applicable to members of the Permanent Court of International Justice being followed in the meantime, while as to the Privileges and Immunities of specialised agencies, these also, it was recommended, should be reconsidered and if necessary negotiations should be opened for their co-ordination in the light of any convention ultimately adopted between the United Nations and the constituent States.

The fact that a Sub-Committee of Committee 8 was simultaneously engaged in evolving a draft convention, which it was proposed should be entered into by the United Nations with the State in which the Organization had its seat, was not considered to be any argument in favour of Committee 5 attempting at this stage a definitive draft of a general convention on the subject of Privileges and Immunities for acceptance by all States Members of the Organization.

The Committee completed its labours during its tenth meeting held on 15th December, 1945. The report of the Committee was presented to the Preparatory Commission at its session and was adopted by it without discussion.

CHAPTER VII

COMMITTEE 6.—*Administrative and Budgetary*

The first meeting of Committee 6 was held on Tuesday the 27th November, 1945, and Mr. Aghnides (Greece) and Mr. Campbell (New Zealand) were elected Chairman and Vice-Chairman of the Committee respectively.

This Committee was mainly concerned with the examination of Chapter VI (Secretariat) and Chapter VII (Budgetary and Financial Arrangements) of the Report by the Executive Committee. Both these Chapters contained a great deal of complicated and controversial matter. Between them they covered thirty-one closely printed pages of the Report. It was, therefore not surprising that from the very beginning this Committee had to contend with a mass of

papers in the shape of amendments, alternative proposals and reports of sub-Committees. The total number of pages covered by these papers themselves amount to nearly three hundred and fifty! Consequently the Committee had to hold twenty-five meetings and in the end only succeeded in completing its work by referring to the General Assembly certain proposals 'en mass'. It would not serve any useful purpose to give a detailed review of the proceedings day by day. The final up shot is given in the Report of the Preparatory Commission to the General Assembly. We have, therefore, to content ourselves with a very brief review, more or less, on the lines followed by the Chairman of the Committee in presenting his Report to the Preparatory Commission.

As Sir Rama-swami Mudaliar, Sir Samuel Runganadhan and Sir John Bartley, were engaged elsewhere, and could attend only some of the meetings, most of the meetings of this Committee were attended by Mr. Ikramullah.

The proposals of the Executive Committee contained in Chapter VI commanded general approval, and were adopted with very little change, but from the outset it was clear that no such unanimity existed in respect of certain parts of the Chapter dealing with the structure of the Secretariat; the grading of staff conditions and employment and the staff regulations. There was criticism not only on the points of substance but matters of detail in to which the Executive Committee's Report had attempted to enter. The Committee found itself obliged to contemplate extensive revision, and was only able to do the job because of the assistance of the Advisory Group of Experts which had been set up by the Executive Secretary.

With regard to the structure of the Secretariat, the following three specific problems had to be tackled:—

(i) The organisation of units performing administrative, financial and liaison functions. This question was referred to the Advisory Group. The essence of this recommendation is that the work of the Secretariat and the pursuit of the aims of the Organization should not be hampered by Financial Authorities.

(ii) The second problem concerned the suggestion that the Secretariat should be one and unified. Certain Delegations, particularly Russia, were anxious that some Organisations, Security Council, to wit, should have its own Secretariat. A great deal of time was spent in discussing the various alternatives, and eventually it was decided to provide a special staff to serve the Security Council and Economic and Social Council, though this staff would be within the framework of the Secretariat.

(iii) The problem with which the Committee had to contend, concerned the question whether the Secretariat should have one unit or two, to deal with economic and social work. Eventually it was decided that it should have two units or departments and that the Secretary General should take the necessary steps to co-ordinate the work of these two units, and ensure the maintenance of administrative relationship between them, the Economic and Social Council, and other specialized agencies.

The question of grading and salaries were examined and after considerable discussion it was agreed that no elaborate recommendation should be made at this stage. It was further proposed that the salaries for the three top categories of posts, Secretary General, Assistant Secretary General and Director, should be fixed by the General Assembly, and that in the case of all other posts the Secretary General, after discussion with such a consultative body as the General Assembly might set up should have the power to make tentative classification and to assign salaries, and that a permanent scheme should be worked out later.

The Executive Committee had suggested a list of Staff Regulations consisting of some 70 clauses. These were carefully examined, pruned and separated into 27 Regulations concerning the fundamental rights and obligations of the Staff and 31 Rules to implement these Regulations. It was suggested that the Staff Regulations should be adopted by the General Assembly while the Rules should be drawn up by the Secretary General.

The Committee also modified the Executive Committee's recommendation that normal contract should be for 5 years and under suitable provisos covering arrangements for the appointment of temporary staff and for the termination of contracts in certain circumstances suggested that those who successfully passed their period of probation should be given "an indefinite contract" renewable for periods of five years subject to satisfactory reports. The India Delegation took an active part in the consideration of the qualifications of the candidates and the method of selection. So far as qualifications were concerned, it strongly supported the suggestion that each of the senior officials should be able to express himself in one of the two working languages but it should not be necessary for him to understand the other as was originally suggested by the Executive Committee. With regard to the examinations it was made clear that India attached considerable importance to a system by which countries with similar academic traditions should be grouped into examination areas so that differences in the academic systems in the various countries might not become a handicap to the prospective candidates. At the request of the Indian Delegation the Chairman of the Advisory Group explained that the principle of regional recruitment contemplated that candidates would not, in all cases, be expected to travel to the Headquarters of the Organisation.

The Committee further made a definite recommendation that an International Civil Service Commission should be established by the Secretary General after consultation with the heads of the Specialised Agencies brought into relationship with the United Nations, to advise on the methods of recruitment and the means by which uniform standards of recruitment in the Secretariat and the Specialised Agencies might be ensured. During the discussion it was maintained by a large number of Delegations including that of India that the General Assembly should have a say in the constitution of this Commission.

There was a considerable amount of discussion on the suggestion made by the Russian Delegation that appointments should be made only with the concurrence of the Governments of the candidates concerned. The Russian proposal was defeated by a heavy majority, India voting against it. Later the Russian Delegate Mr. Gromyko moved another amendment suggesting that necessary steps should be taken to ensure that no person who had discredited himself by his activity in connection with Fascism or Nazism should be appointed to the Secretariat. This was accepted.

With regard to the organisation and the duties of the Information Department, the Committee itself constituted a Technical Advisory Committee and suggested the transmission of the report of this Committee as contained in P.C./INF/10, to the General Assembly for its consideration.

So far as Chapter 7 of the Report was concerned the Committee decided forthwith to ask the Advisory Group of experts.

(a) to assist the Executive Secretary in the preparation of a draft provisional budget;

(b) to prepare the draft provisional financial regulations;

(c) to consider and report on the financial year to be adopted;

(d) to consider and report on emergency financial arrangements more particularly the creation and the constitution of a working capital fund;

(e) to consider and report on the question of travelling expenses of Delegates to the General Assembly.

So far as item (a) is concerned it was eventually decided that the Advisory Group should prepare a provisional budget and submit it direct to the first part of the first session of the General Assembly.

Again draft provisional financial regulations [item (b)] as prepared by the Advisory Group were transmitted to the General Assembly as an appendix to the Committee's report with the observations made by certain Delegates upon them.

The Advisory Group did not accept the Executive Committee's recommendation that the financial year of the Organisation should begin on the 1st October but suggested the adoption of the calendar year in order to afford sufficient time to enable Members to make contributions actually available to the Organisation and to avoid a situation in which contributions would only become available very late in the financial year. It was also agreed that the interim budget should be re-named Provisional Budget and should cover the whole financial period up to the 31st December, 1946. These views were accepted by the Committee.

The creation and the constitution of a Working Capital Fund was given a great deal of thought. It was felt that the General Assembly should be put in funds pending the receipt of Members' contributions to the first annual budget. Originally it was proposed that each Member State should be asked to make a basic advance of \$5,000 and that the remainder of the fund should be advanced by certain Members, namely, those Members who were assessed under the F.A.O. scale to over 3 per cent. But as the funds required were expected to cover the whole expenditure of the organisation for the period ending 31st December 1946, it was felt desirable to establish from the outset the principle of proportionate allocation among all Members, broadly according to capacity, to pay. The Advisory Group accordingly suggested that as a purely temporary working basis all Members should subscribe to this advance on the F.A.O. scale pending the establishment of a contributions scale for the United Nations. The Committee agreed in principle with this matter on the distinct understanding that this did not prejudice the financial obligations to be undertaken by Members of the Assembly. The Indian Delegation also took this view. The Committee further recognised the principle that the need for a working capital fund should not be confined solely to the provisional period but that such a fund should form an essential feature of the permanent financial arrangements of the Organization in order to ensure means of financing various contingencies.

On the advice of the Advisory Group, the Committee agreed to the Executive Committee's proposal that actual travelling expenses of representatives or their alternates attending the General Assembly, up to five in all for each Member, should be borne by the United Nations. This proposal was supported by the Indian Delegation who also assisted the Committee in drafting the clause as finally adopted.

After consultation between the Sub-Committee and the representatives of Committee 1, it was decided to alter some of the terms with reference to the Committee proposed for administrative and budgetary questions. The designation of the Committee was changed from 'supervisory' to 'advisory'.

The report of the Committee along with a numerous list of papers, some of which have been referred to above, were considered by the Preparatory Commission at its fourth Plenary Meeting on Sunday the 23rd December 1945, and accepted without discussion. Mr. Noel-Baker, however, made it clear that his Government understood that the International Civil Service Commission would have a continuing function after it had given advice at an early stage to the Secretary General and would not be dissolved.

CHAPTER VIII.

COMMITTEE 7. *League of Nations.*

The first meeting of Committee 7 was held on Tuesday, 27th November, 1945 and Mr. Najeeb al Armenazi (Syria) and Mr. Manuel Bianchi (Chile) were respectively elected Chairman and Vice-chairman of the Committee. The work of the Committee consisted in the examination of Chapter IX of the Executive Committee's Report regarding the future of the League. Altogether it held seven sittings and as the bulk of its work was done through a Drafting Sub-Committee, its meetings were marked by an absence of prolonged and heated discussions which were the order of the day in other Committees.

The difference of opinion shown in the Executive Committee arose again during the discussion of its report, one Delegation was in principle opposed to the transfer of the functions, activities and assets of the League to the United Nations Organisation even with the reservations made by the Executive Committee. It was further pointed out that while the assets could be "transferred" it was incorrect to use the word transfer in respect of the functions and the activities of the League. The matter was referred to the Drafting Committee which suggested that the functions, powers and activities of the League "might be assumed" by the United Nations while the assets could be transferred. Consequently both these questions were treated as separate questions. In the first category a distinction was further made between those functions and powers which represented the activities carried on by virtue of international agreements and those activities which were initiated by the League itself. The first section of the report headed "Functions and Powers belonging to the League of Nations under International Agreements" reproduced in paragraph 2 of section 1 and the whole of section 2 of Chapter IX with certain important textual changes. The second section dealt mainly with the non-political functions and activities of the League. It was left to the Economic and Social Council to consider whether and if so with what modifications the organisation of the United Nations or of the Specialised Agencies brought into relation with the U.N.O. should assume its functions and activities.

In order to ward off the danger of the League coming to an end before the Economic and Social Council had completed its task it was suggested that on the dissolution of the League the Council should provisionally assume the following activities:—

- (a) The Economic, Financial and Transit Departments with particular reference to research work and statistics;
- (b) The Health Organisation, and especially the Epidemiological Service, and
- (c) The Opium Section together with the Secretariats of the Permanent Central Opium Board, and
- (d) Supervisory Body.

In order not to lose the accumulated experience of the League it recommended that the League's archives and library should be taken over and kept up by the United Nations and that the publication of the League of Nations "Treaty Series" be completed. The Committee further recommended that the General Assembly should ask the Secretary General to take over under suitable conditions members of the Staff dealing with the duties mentioned above.

With regard to the assets of the League the Committee confined itself to deciding that the Preparatory Commission should set up a Committee to get into touch with the Supervisory Commission of the League and generally endorse the directives set forth in parts B, and D, Section 3 of Chapter IX. In regard to the public loans issued under the auspices of the League (paragraph 9 of the Report of the Executive Committee) the Committee decided to make no representations in view of the criticism from certain quarters that these loans were organised for political purposes, a contention which was strongly rebutted by the Delegate for the United Kingdom and others. It was, however, suggested that the question could be raised in the Economic and Social Council by any interested Government. The Committee made no recommendations as to Membership of the Committee. Certain doubts were expressed as to its competence to do so. It recommended, however, that the proposals to this effect should be submitted by the Steering Committee to the Preparatory Commission. The Steering Committee recommended the nomination of the Delegations of Chile, China, France, Poland, South Africa, Soviet Union, the United Kingdom and the U.S.A.

These recommendations of the Steering Committee as well as the report of Committee 7 were considered by the Preparatory Commission at the third Plenary Meeting and accepted without discussion.

CHAPTER IX

COMMITTEE 8. *General Questions*

The first meeting of Committee 8 was held on the 27th November, 1945 and Mr. MacEachen (Uruguay) and Mr. Mehden (Ethiopia) were elected Chairman and Vice-Chairman respectively. The purpose of the Committee was to consider and report to the Preparatory Commission on Chapter 10 of the Report of the Executive Committee and on any proposals or amendments submitted by Delegations on matters falling within the scope of Chapter 10. In particular it was to report on all questions relating to the site of the Headquarters of the United Nations.

The Committee held 12 meetings which were marked by a number of notable speeches. One would not have thought that so much could be said so eloquently on the mere question of site. In the middle of the discussion it was announced that since most of the speeches on the choosing of a site merited a more lengthy treatment in the general, the summary of records starting with that of the 8th meeting would contain more complete texts of the various statements. This proposal was accepted by the Committee and consequently the speeches delivered in Committee 8 have been more fully reported than the speeches in any other Committee.

The Committee set up two Sub-Committees in order to assist it in the examination of the difficult problems referred to it. One of the Sub-Committees was called the Judicial Sub-Committee. Its main function was to prepare a Draft Agreement to be signed by the eventual Host State. It had also to examine paragraphs 1—7 of section 2, Chapter 10. These paragraphs were carefully examined by the Committee in conjunction with the Sub-Committee in charge of privileges and immunities appointed by Committee 5 and it prepared a draft treaty which is included in Chapter VIII of the Report of the Preparatory Commission.

The remainder of section 2, Chapter X of the Report by the Executive Committee concerned the choice of site.

The Committee had to appoint another special Sub-Committee to consider all the invitations received from numerous localities in the United States of America either in writing or through deputations and other sites which had been suggested. On the recommendation of this Committee an Interim Committee was set up. It was also decided that all the material including the verbatim reports of the corresponding meeting of Committee 8 should be referred to the Interim Committee to be used as a basis for the formulation of wider criteria to be used in the selection of the actual site for the permanent headquarters of the United Nations. The idea was that the Interim Committee should continue to work on this difficult question during the period between the closing of the Preparatory Session and the opening of the First Part of the First Session of the General Assembly. The Interim Committee was also required to visit some of the sites in the States and submit a report to the General Assembly. The work of this Committee will be dealt with in the report dealing with the General Assembly.

The Delegations which favoured the establishment of the seat of the United Nations in the U.S.A. and those who wanted it to be located in Europe

were almost equally divided. Most of the South American States wanted the site to be in the United States, a proposition which had the full support of the U.S.S.R. and of her satellites. The U.K. supported by a number of European countries was the chief protagonist of a European site. Mr. Noel-Baker made one of his best speeches on this question giving numerous cogent reasons why the site should be in Europe. Previously Mr. Spaak (Belgium) had already covered the ground in a masterly speech. Curiously enough Australia favoured the site to be in the United States while Canada stood for a European site. The Indian Delegation did not take an active part in this discussion. They were not opposed to a site in the United States though they would have preferred the site to be in Europe. For obvious reasons the Delegate for the United States decided not to intervene in the debate.

Apart from historical reasons for having the site in Europe it was argued that Europe was the natural and inevitable communication centre of the world and was nearer to 40 capitals than anywhere in North America; it was nearer to China than the East Coast of the United States; North and South America were almost as near Europe as each other and some capitals of South America were even nearer; Europe was the most densely inhabited area in the world and a very large section of its population was still unrepresented in the Preparatory Commission. It was further pointed out that the seat of the United Nations should not be within the boundaries of a great country as it was likely to be influenced by the national politics of that country and might even become a matter for party politics.

Those who were opposed to the seat being in Europe wanted the new organisation to be in no way linked or associated with the system of blocs, working for disunity, disagreement and disharmony which prevailed in Europe. They wanted an atmosphere of detachment, serenity and peace which was more likely to be found in the New World than in the Old. It was also felt that by placing the seat of the United Nations in the U.S.A. they would be ensuring the constant interest of that country in the cause of world peace and security and would prevent her from drifting into isolationism. Actually the arguments for or against really did not make much impression. It seemed all along that most of the countries had on their own made up their minds which way to vote and they stuck to their guns.

Although the protagonists of Europe were many and as vociferous as any other, when the time for the voting came, not one was found to move a resolution in favour of Europe. This was perhaps due to the fact that they did not want to incur the odium of having moved a resolution against the United Nations going to the U.S.A. In the last resort, the Chairman himself submitted an amendment suggesting that Europe be substituted for the U.S.A. in the resolution. It was well known that the Chairman himself was in favour of the seat being in the U.S.A. Similarly the Delegate for Colombia, a country which had hitherto expressed no opinion, volunteered to second the Chairman's amendment. The moment this was done, the supporters of Europe got their opportunity and insisted that the mover and the seconder should vote for their amendment. In order to cut short the controversy, both Colombia and Uruguay agreed to vote for Europe. Despite this the amendment was defeated by 25 votes to 23 with 2 abstentions. The United Kingdom, India, South Africa and New Zealand voted for Europe while Australia, China and the U.S.S.R. voted against it.

During the discussion it had been made clear that should the proposal for having the seat in Europe fail to secure the required two-thirds majority, any Delegation could subsequently vote in favour of the U.S.A. Consequently when the recommendation that the permanent headquarters of the United Nations be located in the U.S.A. was put to vote, the resolution was carried with 30 votes in favour of the recommendation, 14 against it and 6 abstentions. On this occasion India voted for the United States while South Africa and the U.K. voted against it. Columbia, Ecuador, Ethiopia, New Zealand, Syria and

the U.S.A. abstained from voting. Finally by common consent the whole resolution was again put to the vote and converted into a unanimous recommendation.

At a subsequent meeting, the question of the seat was again raised and it was decided after a lengthy discussion that the seat of the United Nations should not be on the West Coast of America. The chief reason for this decision was to give an indication to the Interim Committee to select the site somewhere on the East Coast. The proposition itself was not put through without a number of votes being taken. First a vote had to be taken for curtailing the discussion and it was decided by 23 votes to 4 that the discussion on the subject should be closed. The next vote was taken as to whether the Committee should vote on the question of East or West. By 23 votes to 9, 6 countries abstaining, it was decided that a vote should be taken. India voted with the majority. Yet another vote was taken to decide whether the West or the East should be voted for first. West won by 25 votes against 4 with 11 abstaining. India again voted with the majority. But when the proposition suggesting that the seat of the United Nations should be in the West of the United States was put to vote, only 6 nations were found to be in favour of it while 22 were against it. Twelve states abstained from voting. Finally when the vote was taken as to whether the seat should be in the East, 25 nations voted for it, 5 against it and 10 states abstained. India voted with the majority.

The recommendations contained in Section 3 and Section 4, Chapter X, were put through with small amendments and were referred to the Planning Commission through the Secretary General. It was also agreed that a cable be sent to the Mayor of the City of San Francisco thanking the city for its hospitality, and adding that the United Nations were looking forward with keen anticipation to the friendly hospitality of San Francisco where they would meet on the tenth anniversary of the signing of the Charter.

The report of the Committee was considered by the Preparatory Commission at the 4th Plenary Meeting and was adopted without discussion.

CHAPTER X

CONCLUSION

The last meeting of the Preparatory Commission was held on Sunday the 24th December 1945. The entire Session lasted a great deal longer than was originally contemplated. This was largely due to the fact that the discussion with regard to the site was extremely prolonged. Although from the very beginning it was obvious that the majority of the Nations present were in favour of having the seat of the new Organisation in the United States those in favour of having it somewhere in Europe put up a tenacious fight. Towards the closing stages the debate became somewhat farcical. There were many who wanted the site to be in Europe and for very good reasons; yet there was none who was prepared to move a formal resolution to that effect for fear of wounding the susceptibilities of the United States. There is no doubt that had a very large number of the European nations which would sooner or later become members of the United Nations Organisation been present, a European site would have been selected.

Apart from this, the Session was remarkable for the absence of grandiloquence. Throughout the Delegates worked in a business-like fashion. They seemed to be singularly free from illusions. The fate of the League of Nations served as a perpetual reminder to them to avoid theorising too much. Their object was to fashion an active, energetic and effective Organisation, and in this, I should imagine, they succeeded.

M. IKRAMULLAH.

Adviser/Secretary.

NEW DELHI,

The 8th May, 1946.

PART II

Report on the work of the Indian Delegation to the First Part of the First Session of the General Assembly of the United Nations

CHAPTER I

SECTION I.—Introductory

The Inaugural Meeting of the First Part of the First Session of the General Assembly was held at the Central Hall, Westminster on Thursday the 10th January 1946 at 4 P.M. with Dr. Zuleta Angel (Colombia), Chairman of the Preparatory Commission in the Chair.

Before the Inaugural Meeting, H. M. King George VI gave a State Banquet to the principal Delegates to the General Assembly at St. James' Palace on Wednesday 9th January 1946 at 8-30 P.M. In his speech of welcome, His Majesty emphasized the importance of the meeting and reminded the Delegates that in their hands lay the power "to make or mar the happiness of millions of your fellowmen and of millions yet unborn". He expressed the hope that they would succeed in laying the "foundations of a new world where such a conflict as that which had lately brought our world to the very verge of annihilation must never be repeated". With regard to the different organs of the United Nations, His Majesty observed that while "the major problem of security will claim all of your attention the establishment of the Economic and Social Council and of the Trusteeship Council gives far-reaching opportunities for dealing with other issues of no less importance. Upon the former depends to a large extent the success of your work for security while through the Trusteeship Council peace-loving States can stimulate the extension of self-government to peoples all over the world". He reminded the Delegates that the outstanding feature of membership of the United Nations was service—not selfish defence of mere national interest but service to the whole community of nations and if they succeeded in their task "history will record that no band of men or women ever did a nobler deed".

The Indian Delegation to the First Session of the General Assembly consisted of the following:—

Delegates—

The Hon'ble Dewan Bahadur Sir Ramaswami Mudaliar, K.C.S.I., Supply Member of the Governor General's Executive Council (Head of the Delegation).

Sir Samuel Runganadhan, High Commissioner for India in London.

Sir V. T. Krishnamachari, K.C.I.E., formerly Dewan of Baroda.

Advisers—

Sir John Bartley, C.S.I., C.I.E., formerly Additional Secretary to the Government of India in the Legislative Department.

Mr. M. K. Vellodi, C.I.E., I.C.S., Deputy High Commissioner for India in London.

Mr. M. Ikramullah, C.I.E., I.C.S., Joint Secretary to the Government of India in the Department of Supply.

Mr. R. S. Mani, I.C.S., Secretary to the High Commissioner's Public Department.

Dr. Zuleta Angel (Colombia) opened the Inaugural Meeting with a brief speech in which he traced the work which had been done since the meeting at San Francisco. He then called upon Mr. Attlee the Prime Minister of the United Kingdom to deliver the inaugural address.

Mr. Attlee began by congratulating the Chairman and the Preparatory Commission on the successful manner in which they had carried out their arduous and important duties. After referring to the vital importance of the work the General Assembly had in hand, he stated on behalf of his Government

that the purposes and the principles set down in the Preamble and in Article I of the Charter had the whole-hearted support of his Government and of the whole British people whatever their political parties. He referred to the fact that the Charter had been evolved while the United Nations were still at war and expressed the hope that they would now work for creating permanent conditions of peace with the same sense of urgency, the same self-sacrifice and the same willingness to subordinate sectional interests to the common good as had brought them through the crisis of war. He was of the opinion that the United Nations Organisation must become the overriding factor in foreign policy and should not be treated in the same way as the League of Nations. He asked the Delegates to recognise the truth proclaimed by the Foreign Minister of the U.S.S.R. at Geneva that "Peace is Indivisible" and to remember that they were living in a new age of development of powerful weapons of destruction operating from distant bases which had destroyed the illusion of isolationism. The coming of the atomic bomb was only the last of a series of warnings to Mankind that unless the powers of destruction could be controlled, immense ruin and almost annihilation would be the lot of the most highly civilised portions of Mankind. He welcomed the suggestion that the whole problem of the control of atomic energy should be remitted to a Commission of the U.N.O. and concluded by saying that "important as is the work of the Security Council no less vital is it to make the Economic and Social Council an effective international instrument. A police force is necessary in a civilised community but the greater the social security and contentment of the population the less important is the police force."

The first item on the Agenda was the election of the President of the First General Assembly of the United Nations. Before the Chairman could ask for nominations Mr. Gromyko (Soviet Union) expressed a desire to make a statement and, having been permitted, proceeded to suggest the name of Mr. Lie, Foreign Minister of Norway for appointment as President. This unusual procedure immediately raised a debate the Chairman pointing out that the election of the President had to be by secret ballot and explained the procedure. Although he did not consider the procedure adopted by the U.S.S.R. delegate was out of order he ruled that the election should be by secret ballot. Thereupon Mr. Rzymowski (Poland) got up and strongly supported the candidature of Mr. Lie. He was followed by Mr. Manuisky (Ukraine) and Mr. Rasmussen (Denmark). Mr. Manuisky suggested that since only one name had been proposed Mr. Lie should be elected by acclamation. As the Chairman still maintained that the rules did not provide for an election by acclamation Mr. Gromyko suggested that the whole question should be put to the vote of the Assembly. The vote when taken, however, went against election by acclamation and the members proceeded to elect the President by secret ballot. In the secret ballot 23 votes were cast for Mr. Lie while 28 votes were cast for Mr. Spaak, Foreign Minister for Belgium. Mr. Spaak was accordingly declared elected and took the chair.

Altogether twenty-three Plenary Meetings were held. Mr. Spaak delivered his inaugural address at the second meeting and then with the consent of the Assembly authorised the Executive Secretary and his Staff to perform the functions of the Secretary-General and Secretariat pending the appointment of the Secretary General. This was followed by the presentation by Dr. Zuleta Angel (Colombia) of the report of the Preparatory Commission. He complimented the eight Chairmen of the technical committees and the Executive Secretary Mr. Jebb on the work they had done.

The next item on the Agenda was the adoption of the provisional rules of procedure which were, however, not adopted without a debate as the Delegates for Cuba and the U.S.S.R. raised objections to some of the rules. The Cuban Delegate particularly objected to the composition of the Steering Committee or the General Committee of the Assembly which under rule 32 was to consist of 14 members only. He insisted that it should be made perfectly clear that the Steering or General Committee would not take any political decisions as this was the field in which the General Assembly, composed of 51 nations, should

be supreme. He pointed out that while the Preparatory Commission had agreed that the General Committee should not decide important political questions it had not been defined which political question was important and which was not. He suggested therefore that the General Committee should consist of the heads of the 51 Delegations and that in addition to this, there should be an Executive Committee consisting of the President, the seven Vice-Presidents and seven other members to be elected. During the debate which followed, a number of other suggestions were made but the Cuban Delegate stuck to his guns. Mr. Noel-Baker (United Kingdom) opposed the Cuban proposal and pointed out that if it were adopted it would detract from efficiency. He supported the proposal made by the President that the provisional rules should be adopted provisionally and the point made by the Cuban Delegate should be referred to an *ad hoc* Sub-Committee. The Ukrainian Delegate also made a reference to the manner in which Mr. Spaak was elected President on the previous day despite the fact that his name had not been formally proposed by anybody. In this he was supported by the Yugoslavian Delegate. Finally the Cuban proposal was put to vote and it was decided that the whole question might be referred to Committee 6 for examination and report.

After the Credentials Committee and the Agenda had been approved the Assembly set up six Committees and invited them to elect their own Chairmen.

At its third Plenary Meeting, the Assembly by a simple majority decided that it was not necessary to vote by ballot if the majority of the members wished it otherwise and then by secret ballot elected seven Vice-Presidents.

At its fourth meeting after the report of the Credentials Committee had been presented and adopted the Assembly proceeded to elect the non-permanent members of the Security Council. Mr. Gromyko (Soviet Union) proposed the postponement of the elections on the ground that the Delegations had not had sufficient time to consider the question and even to consult their Governments. His proposition was opposed by Mr. Byrnes (U.S.). This was followed by a general debate in which Mr. Peter Fraser (New Zealand) and Mr. Masaryk (Czecho-Slovakia) supported Mr. Gromyko's suggestion while Mr. Bevin (U. K.) opposed it. When the proposition was put to vote it was defeated. 34 members voted against the motion, 9 for the motion and 8 abstained. Among those who voted with Russia were Australia and New Zealand. India and South Africa voted against the proposition. This did not, however, end the discussion. Mr. Gromyko suggested that before nominations were called for there should be a general discussion and Mr. Manuilsky (Ukraine) went further and suggested that on a geographical basis, Brazil and Mexico, New Zealand, Poland, Norway and Egypt should be elected. The President, in answer to a question from the Belgian Delegation stated that the members were free to vote even for the countries which had not been nominated. After some discussion about the validity of votes ballots were taken. Norway having declined to stand, Brazil, Egypt, Mexico, Poland and the Netherlands were elected as a result of the first ballot. Canada and Australia were the next two countries on the list having obtained 33 and 28 votes respectively. A second ballot was taken but both Canada and Australia again failed to secure two-thirds majority. The ballot was continued in the fifth Plenary Meeting with the same result. But as Australia had this time secured 28 votes against 23 obtained by Canada the Canadian Delegate Mr. Saint-Laurent withdrew from the contest leaving the field free for the election of Australia. A fourth ballot was taken and Australia was elected by 46 votes in favour.

The question of the terms of different members was not settled easily. After the first vote Brazil and Australia were elected for the two-year term. There was an interlude in which the General Assembly had to vote whether the rules could be amended by a simple majority and it was decided that they could be. The third member for the two-year term had still to be elected and a fresh vote was taken. Both Poland and the Netherlands got 25 votes each. In order to expedite the work the President, drew lots and Poland was lucky.

The next item on the agenda was the election of the Members of the Economic and Social Council. Before the election the Chinese Delegate asked the Members to bear in mind the principle of equitable geographical distribution as they had done in the case of the election of the non-permanent Members of the Security Council. Votes were taken by secret ballot and 17 countries including India having secured a two-thirds majority were elected in the first round. For the 18th seat the tie was between New Zealand and Yugoslavia but the result of two ballots was infructuous neither of the countries obtaining a two-thirds majority. Thereupon Mr. Peter Fraser (New Zealand) suggested that lots should be drawn but the President pointed out that as it was a question of two-thirds majority he had no authority to draw lots. One Member suggested that New Zealand and Yugoslavia should draw lots privately and the loser should withdraw. There was a discussion as to whether the rule should be amended but it was pointed out that the two-thirds majority was required to get the Charter amended and the Members generally were not in favour of amending the Charter. The meeting had to be adjourned without a decision being taken.

At the sixth Plenary Meeting Mr. Peter Fraser (New Zealand) withdrew the candidature of his country in order to facilitate the work of the Assembly. His decision was applauded by everybody and on the ballot being taken, Yugoslavia was elected as the 18th member of the Economic and Social Council by the necessary two-thirds majority.

A secret ballot was then taken to decide which six of these 18 members should enjoy the 3-year term and the following six countries were elected:—

	Votes obtained		Votes obtained
China	44	Chile	38
Peru	43	Canada	29
France	40	Belgium	28

India obtained only 12 votes for the 3-year term while Ukraine and U. K. obtained 9 each. U. S. A. obtained 7 votes and the Soviet Union 6. A second ballot was taken in order to decide the 2-year term and the following six countries were elected:—

	Votes obtained		Votes obtained
Soviet Union	41	Norway	33
United Kingdom	36	Cuba	32
India	34	Czecho-Slovakia	32

The remaining six countries became one-year members.

The seventh Plenary Meeting was mainly occupied with the consideration of the report of the General Committee which had suggested the inclusion of several new items on the agenda. The United Kingdom resolution regarding U.N.R.R.A. and also the resolution regarding the establishment of a Commission to deal with problems raised by the discovery of atomic energy were put on the agenda without discussion. A Cuban proposal regarding a declaration of the duties and rights of man and nations gave rise to some discussion,

during which the President pointed out that the General Assembly had not turned down the proposal but had recommended that as the subject of human rights had already been referred to at some length in the Preparatory Commission's report the question should be raised during the General Discussion of that report. On a vote being taken the Cuban proposal was defeated. A proposal made by Mr. Lopez (Phillippines) suggesting the calling of an international press conference was withdrawn by him on being assured by Mr. Vandenberg (U. S. A.) that the matter should be brought before the Second Part of the First Session of the Assembly.

SECTION II.—General discussion on the Report of the Preparatory Commission

The bulk of the time of General Assembly was spent in the discussion of the Report of the Preparatory Commission. Almost all the speeches that were delivered were prepared speeches, which the Delegates actually read out. Some of the Delegates did make important declarations on behalf of their Governments but few of these speeches were notable. Sir Ramaswami Mudaliar was the only Delegate who spoke without any notes and consequently was heard with rapt attention. The full text of his speech is given later in this chapter.

Mr. Byrnes' (U. S. A.) speech was historic on account of the declaration he made at the end of it on behalf of the United States in the following words: "25 years ago we in the U. S. were not fully aware of our responsibilities. But with others, we have learned from experience. This time both the U. S. Government and its people are deeply conscious of their responsibility. This time on their behalf, I pledge their whole-hearted co-operation." Other parts of his speech were devoted to the tracing of the important tasks which the General Assembly was called upon to perform particularly in connection with the Security Council and the setting up of the Atomic Commission. He paid a tribute to the late President Roosevelt, to Mr. Churchill and to Marshal Stalin for having issued the United Nations Declaration, at one of the darkest moments of the war, which was now becoming a reality.

Mr. Byrnes was followed by Mr. de Souza Dantas (Brazil) and Mr. Bianchi (Chile) who affirmed the faith of their countries in the Charter and assured the General Assembly of their unfailing support. Mr. Taquizadah (Iran) gave the first formal indication to the General Assembly of the differences Iran was having with Russia. Mr. Wellington Koo's (China) speech was business-like. He discussed in general terms the work of the principal organs of the United Nations. While Mr. Koo was addressing the General Assembly some Delegates were heard to whisper that he was perhaps the only delegate now attending the General Assembly who was present at the first meeting of the League of Nations. He was followed by Mr. Rasmussen (Denmark) and Mr. Schermerhorn (Netherlands). The Danish Delegate called the attention of the Assembly to the question of the settlement of the millions of Germans who had been dislodged from their own country and pointed out the grave danger of the Germans scattering over Europe. The speech of the Netherlands Delegate was solid, matter of fact but dull, though he reminded the Assembly that the temper of the oppressed peoples of "Europe and Asia was not the same as that before 1940."

The discussion of the report of the Preparatory Commission was continued in the ninth Plenary Meeting and among those who spoke were M. Gustavo Guerrero (El Salvador), Mr. Albornoz (Ecuador) and Mr. Lie (Norway). At the tenth Plenary Meeting the speakers were Mr. Moreno Quintana (Argentina) and Mr. Lleras Restrepo (Colombia). Like Mr. Albornos both Messrs. Quintana and Restrepo spoke in Spanish with the result that their speeches had to be translated into English and French. Mr. Quintana's speech was very brief. He assured the Assembly of the desire of his country to associate whole-heartedly in the work of the United Nations. This was reassuring as there were some in the Assembly who were not sure of the *bona fides* of the Argentinian Government. The rest of the tenth Plenary Meeting was occupied by the speeches of Mr. Diaz (Mexico) and Mr. Rzymowski (Poland) who made

an extremely lengthy speech in which he enunciated the principal problems of lasting peace. The last speaker on that day was Mr. Laureau (Haiti) who made the striking statement that Peace is not the absence of War. At the eleventh Plenary Meeting the most important speech was that of Mr. Bevin (U. K.). He emphasized the necessity of setting up an International Secretariat completely independent of Governments and also of an International Civil Service Commission. He then traced the evolution of the U. N. O. stage by stage, the Atlantic Charter, the Moscow Declaration, Dumbarton Oaks and then the San Francisco Conference. He also referred to the Food and Agricultural Organisation and to the Bretton Woods Conference, U.N.E.S.C.O., the International Civil Aviation Organisation and stated that all these institutions were intended to deal with human welfare. He reminded the Assembly that although War had been outlawed, the creation of a Security Organisation was not sufficient in itself; it must be in a position to enforce its decisions. He hoped that the Security Council would be called upon not to fight a narrow nationalistic war but to defend the peace of the world. He welcomed the suggestion for an Atomic Commission and hoped that all the discoveries would be available for the benefit of humanity. After discussion of the programmes of the Economic and Social Council and the International Labour Office he stated that H. M. Government would welcome the establishment of a Trusteeship Council. His statement in this connection is quoted at length in Chapter IV. After stating that it was his Government's firm hope that in the election of the Delegates to the International Court the necessity of electing those who by their qualifications and character would command the confidence of the whole world would be fully borne in mind, he ended up by stating that with the same "courage and devotion with which we fought those battles we now dedicate all our capacity, courage and achievement to building up a world order of peace".

Mr. Bevin was followed by Mr. Alberto Ulloa (Peru) whose speech was mainly devoted to a statement of his country's policy which, he stated, was not looking for any predominance or to a realisation of political interests but for the guarantee of its independence, the development of its economic interests and its social progress. Mr. Salamanca (Bolivia) was very brief but pointed out that the Bolivian Delegation had succeeded in getting the term "justice" included in the Charter of the United Nations. He stated that the League had lost its authority because political problems were excluded from its action but he hoped that the U.N.O. would not in any way weaken in their determination to apply the principles of the Charter without fear. Mr. Masaryk (Czecho-Slovakia) followed the Bolivian Delegate and suggested that the armament industry together with the latest devastating inventions should be placed under the control of the United Nations. He also stated that "not one particle of uranium produced in Czecho-Slovakia will ever be used for wholesale destruction and annihilation". His speech was a thought-provoking one. He was followed by Mr. Soto Harrison (Costa Rica) who assured the United Nations of his country's support.

At the twelfth Plenary Meeting, Mr. Nicholls (Union of South Africa) was the first to speak. After reminding the Assembly that Field Marshal Smuts was the original author of the Mandate system under the League of Nations, he went on to say that the civilising mission of South Africa began before New York was born and a century before the dominions Australia and New Zealand were dreamed of. He then proceeded to describe the work which the South African Government had done in the study of bringing enlightenment, peace and progress to Africa. With regard to the Trusteeship principles, he stated that Africa would be a real testing-ground. His statement with regard to the Mandated Territory of German South West Africa will be found in Chapter IV. Mr. Hasan Saka (Turkey) made a brief statement and said that Turkey would dedicate herself body and soul to "this essentially human labour of collaboration, faith and loyalty."

At the thirteenth Plenary Meeting Mr. Kardelj (Yugoslavia) addressed the Assembly in Serbo-Croat. He was followed by Mr. Gromyko (U.S.S.R.) who

spoke in Russian. He stated that the Soviet Delegation more than once had emphasized at the Conference at San Francisco the fact that the success of the new organisation would directly depend on how the experience of co-operation among democratic countries during the war would be taken into account and to what degree. After quoting from Marshal Stalin that the actions of the U.N.O. would be effective only if the Great Powers which had borne on their shoulders the main burden of the war against Hitlerite Germany would continue to act in a spirit of unanimity and accord. He then went on to say that the Organisation was designed to protect the interests of large and small States against aggression and endeavours to pit big States against small ones could not be regarded with sympathy in the U.N.O. He referred to the important task of maintaining peace which was vested in the Security Council and expressed the hope that the Council would from the very beginning be fruitful and effective. He warned Members against thinking that the Charter had already become obsolete and needed revision. The observation of the Charter, he stated, and its enforcement not in words but in deeds was an indispensable condition for the successful and fruitful activities of all organs of the United Nations. He wanted the U.N.O. to differ from the League not only in the sense that it must be an effective instrument capable of defending the interests and the peaceful lives of the people, but also it must be a new body in the sense that in it there should prevail a sound atmosphere and new methods of collective work. He expressed the hope that the speediest action would be taken in carrying out the principles of Trusteeship and ended by saying that the Soviet Delegation on its part would do everything possible to make the Session a success. He was followed by Dr. Messina (Dominican Republic) and Badawi Pasha (Egypt).

At the fourteenth Plenary Meeting Mr. Saint-Laurent (Canada) made a speech half in French and half in English. He was followed by Mr. Sofianopoulos (Greece), Dr. Mac-Eachen (Uruguay) and M. Picon Lares (Venezuela). All these speakers referred to the special conditions prevailing in their own countries and assured the United Nations that their Governments intended to make their utmost contribution towards the success of the U.N.O. Mr. Picon Lares was followed by Sir Ramaswami Mudaliar (India). Sir Ramaswami was the only Delegate who spoke without any notes. His speech is reproduced below.

"Mr. President, fellow delegates, ladies and gentlemen. The state has now been reached when academic discussions and theoretical probabilities have to be laid aside and the practical application of those principles to which fifty-one nations have put their signature has to be realised. In accordance with that, today we have established the various organs of the Organisation of the United Nations, and it is but appropriate that at this stage, when the first organs have been established, the representatives of various nations should come forward and express their views about those organs and about the manner in which they hope and pray that those organs will function. We are glad and happy to see that the Great Powers, one after the other (and I believe that France will have its say tomorrow), in accordance indeed with the signature that they have put to the United Nations Charter, have come forward once more and from this platform have reiterated their desire—nay, their anxiety—to see that the cause of peace must be preserved and that the Charter to which they have been parties will be faithfully operated by each one of those nations. It is not surprising that the smaller nations have also come forward to reiterate their faith in the Charter and to establish their determination to do what they can towards fulfilling the obligations that they have undertaken by that Charter.

For my part, I valued one statement more than anything else which the Secretary of State of the United States made in the course of his speech; for, in addition to saying that his country and his people were pledged to the fulfilment of the purposes of the Charter, he made one further very significant statement, when, in his closing remarks, he said: "Twenty-five years ago my country and my people did not fully realise their responsibility. Along with

other nations we have learned by experience." That is a reassurance, if reassurance were necessary, that the people of that great country, about whose opinions on international organisation there was some doubt at one time, have once for all and for all time discarded the policy which was pursued twenty-five years ago and they have today come forward, without any mental reservation whatsoever, to adhere to the principle of the United Nations and of security based on an international organisation of this kind.

Mr. President, at this time many delegates who have spoken from this platform have recalled the birth of another organisation twenty-five years ago, the hopes that inspired the promoters of that organisation, the expectations that were held out to the governments and to the people of various countries when that organisation was established. Today there have been regrets expressed over the course of events during the last twenty-five years, but there should also be thankfulness for the great service of those whose names have been mentioned by Mr. Byrnes, of Dr. Woodrow Wilson himself, the great champion of international peace and international security, and other great souls, some of whom have earned eternal peace and some of whom are fortunately still with us—great men, great seers, men who could see beyond the horizon and below the horizon, men who were the torch-bearers for humanity, pillars of cloud by day and pillars of fire by night. What a sad reflection it is that humanity did not heed what they so emphatically and so firmly stated—that we would be heading for the precipitous descent of annihilation if the principles which they tried to put forward then were not carried out. Fortunately, out of the travail, the torture and the suffering of humanity, a new realisation has come to all of us, to the people of all countries, and out of the ashes of the old League of Nations, phoenix-like, may we not hope that the United Nations has emerged stronger, with greater faith, with firmer resolve to see that the objectives for which this great Organisation has been established will be carried out?

There have been cynics, there are cynics, Mr. President—pessimists, men who always foretell disaster, who even now here and there with bated breath perhaps are speaking and thinking in terms of the possible futility of establishing an organisation like this. Let us ignore them, for when in the world, when in all its history, has a pessimist or cynic been able to do any thing constructive or helpful to himself or to mankind? Let us put them aside, and not indeed in a spirit of foolish optimism, but, as the honourable Delegate from Czechoslovakia said only yesterday, not having our head in the clouds and our feet in the air, but standing firmly on the ground, realising that the most realistic of all things is that peace is indivisible, realising that the most fruitful of all nations is that aggression never pays. Let us in that spirit try to organise and work this great United Nations and its organs so that humanity in the future, our children and our children's children yet unborn may have the blessings of peace and of progress.

Mr. President, we have established now the organs of the United Nations—some of them: the Security Council and the Economic and Social Council. The Security Council has been described by some as the most powerful of all organs. I venture, respectfully and humbly, to dissociate myself from that description. No, Sir, the Security Council is the most responsible of all our organs. On it falls a burden greater than the burden on any other organ of this Organisation, but it is not a powerful body. It will find itself in the course of its deliberations—if any single member of the Security Council thinks so, and I trust and fully believe none of them think so—it will find itself groaning with burdens and with wider responsibilities, and not with power and influence. On the Security Council certainly depends the solution of many of the problems that will arise from time to time. On its perspicacity, on the level at which the problems are approached, on the courage with which great nations and small nations try to tackle the problems that will come day after day before it—on these will depend the efficient functioning of the Security Council.

There have been suggestions for changes in the Charter, and such suggestions have met with great deprecation, and it has been emphasized that nothing should be done hastily and, at the present time, which in any manner changes the constitution to which the United Nations have subscribed. I am one of those who believe that that is the right policy, who venture to accept that position and I do so without any qualms of conscience because, among many other nations, India found itself very much antagonistic indeed to some of the provisions of the United Nations Charter. The provisions about the veto, over which there have been so many historic fights in what has been described as the Madison Square Garden of San Francisco—these provisions have not always been acceptable to many nations and, among others, to India, but we have reached the stage, after all we have said and after all the controversies we raised over the question, of signing the Charter, and I think it is not the correct policy to try to take up by the root the plants which we have planted there day after day to see how they are growing. Rather let us leave it and see that for the next ten years we act on the Charter as it is. We look willingly to the great Powers to discharge their responsibilities, not to exercise their rights, and let us hope that during these next ten years, on the one hand our apprehensions and fears at San Francisco will not be realised, and on the other hand the apprehensions and fears they may now have will not be realised either, so that at the end of the ten years' period when we re-examine the Charter, there will be unanimity again, and that this United Nations Charter need not require all the safeguards which big nations sometimes claim and small nations so unwillingly give.

Mr. President, the other Council that we have set up is the Economic and Social Council. On its functioning, on the way in which it discharges its duties, more in the manner in which it promotes those specialised agencies with whom it is associated, the co-ordination of the policies of those agencies, and in the manner again in which the specialised agencies function, depends that great day of the economic prosperity of the world. It has been truly said over and over again, and now in the statement by the Prime Minister of the United Kingdom the other day, that the Security Council is there in a negative aspect—and I trust it will never come to the stage of its positive function of actually suppressing aggression—to see that aggression does not in any form show its head again in this world. The positive function of securing human happiness, human progress and prosperity is laid heavily on the Economic and Social Council. Wars are but the outward result of something far deeper, a malady far greater, an injury more widespread—the injury that comes, the malady that spreads out of economic maladjustment and of social injustice. Remove those things that always are at the bottom of all this trouble, see to it that between man and man, and between nation and nation, there is a common economic, fundamental unity. See to it again that among men and women of all races and creeds there is justice based on social equality. Then the fundamental causes of war are removed far indeed. It may be that the Security Council, instead of meeting every month and instead of having its permanent session, may have to go into recess and allow the Economic and Social Council to function continuously. At any rate that is my hope, my dream and my prayer, that as we advance the economic prospects of all people, of the under-dog in particular, of those who have suffered and travailed without avail for centuries, there would be cessation of all war, and man would come to a stage when he could with his head erect walk boldly in the wide boulevards of the world without fear from anyone.

That is the Economic and Social Council which we have set up, and that is the hope with which we have set it up.

There is one other Council, Mr. President, that we may set up, that we have to set up. It has not yet been set up. I refer to the Trusteeship Council. The basic problems of the Trusteeship Council are closely associated with the problems of the Economic and Social Council; in fact it would not be too much to say that the Economic and Social Council cannot satisfactorily function unless there is a Trusteeship Council also, and that a Trusteeship Council can

function most effectively in close co-operation with the Economic and Social Council. We have not yet been able, for various reasons, mostly, I understand, legalistic, to set up the Trusteeship Council, but it has to be set up: it must be set up. One of the basic objects of the Trusteeship Council is to promote international peace and security, and if in the Charter fifty-one Nations have solemnly pledged themselves to secure international peace and security and feel that the Trusteeship Council is one of the organs by which it has to be secured, which of us dare say that the Trusteeship Council should not come immediately into existence? It has pleased and gratified me more than I can give expression to, Mr. President, to hear the Foreign Secretary of the United Kingdom say in his speech yesterday that on behalf of his Government he was prepared to place immediately certain territories in charge of the Trusteeship Council and to enter into the necessary agreements therefor.

Mr. President, this is a place where frank speech is desirable. High diplomacy has not carried us very far for decades. This United Nations, this General Assembly meeting, has been called the "Town Hall of the World", and you will forgive me, Mr. President, if I were to speak quite frankly about this Trusteeship Council.

The war has been waged by the Axis Powers in the West and in the East. The impact of war has been felt by almost every individual in every nation in this world. That in practice has been felt as much by the nations in Asia and Far Eastern Asia as anywhere in Europe. Here are represented various countries of Europe; there is not one country from the continent of Europe represented here at this gathering which has not had its sacred and sanctified soil trod on by the enemy, invader, the oppressor. Here are men and women who have had to bolt into their foxholes and lead a life such as we should not like our worst enemy to lead; in fear, in trepidation, thinking of the enemy, of the barbarian, the Hun, who disturbed the peace of the world, the security of small nations and great. There is not one country great or small on the Continent of Europe which has not felt in some portion of its territory or other the deep degradation of having an invader on its soil, which has not gone through the valley of humiliation and despair and at long last caught a glimpse of those famous uplands of peace and security into which they hope to enter, into which they have entered now. And I am not dreaming when I suggest that the nations of Europe have got a new realisation of what it is to be a dependent territory, a new understanding of the problems of dependent peoples, a new outlook on the problems which there are today of what are called non-self-governing territories and non-self-governing peoples.

I do not want to be misunderstood, Mr. President, there is no comparison between the trouble and the travail, the agony, the blood and the tears that have been shed by the peoples of the various countries of Europe and the conditions under which before the war the people in non-self-governing countries in most parts of the world have lived. I do not suggest for a moment that there is any parallel between these conditions. But I am certain that I can take back from this hall from the many speeches that have been made by the delegates of European countries the message to the people of Asia and Far Eastern Asia that there is a quicker realisation of their problems in European countries today than there ever has been, that there is a greater understanding of those human pulsations, those throbbings of the heart even more than of the head which have come to the people of these countries. And may I not take also with me the assurance, if assurance were needed, that relations between the non-self-governing countries and others will be on a more satisfactory basis? And may I not hope that the Trusteeship Council, which we at San Francisco after a great deal of deliberation sought to establish, will be an accomplished fact, that the lead given by the United Kingdom, and I believe by that great little country New Zealand, will be followed by others?

With reference to mandated territories—comparatively a simple proposition in itself—with reference to new territories which after the peace treaty doubtless will come under mandate, and lastly with reference to those dependent and non-self-governing countries which are to come under the trustee-

ship system., the sooner that happens the better it will be for the good understanding of all the people of the world and for the prevention of those permanent and lasting causes that lead to misunderstandings and troubles in the world.

Mr. President, there is one last item on which I should like to speak a little. We have been very much exercised—all peoples and all nations—over the question of the atomic bomb and we have been relieved to find that the question of the control of atomic energy is going to be one of the subjects for consideration in this Assembly and later by a Commission which may be set up. The five great powers have sponsored the resolution by which they hope to devise through this Commission safeguards for the proper utilisation and control of atomic energy. I for my part wish every success to this attempt. I hope that the safeguards will not be like the safeguards to which I am accustomed in another connection, but that the conditions and safeguards will be real; they must be efficacious when they are most needed: at a crisis; that they will not prove to be illusory just at the time when their efficacy is most needed. We of all nations small and big will hope and pray that this new atomic energy, which can be a blessing to the world, will through the instrumentality of the Commission and the wise judgment of this Assembly and of the Security Council tend to be an unqualified blessing.

But, Mr. President, if I may be permitted to say this, I should like to voice one thought that has been repeating in my brain. Time and again ever since I heard of atomic energy and heard of the bomb that destroyed Hiroshima and Nagasaki I asked myself, and I ask myself again: are we not too much obsessed even with this problem of atomic energy? Are we not forgetting something fundamental when we pay so much attention to the conditions that have been created, undoubtedly very difficult conditions, namely the possibility of the world itself being wiped out, civilisation being lost for ever through the misuse of atomic energy. Standing here in this hall, consecrated by a great faith, speaking from a platform from which evil has been violently and boldly deprecated, I find it difficult to believe, Mr. President, that all the horrors that have been predicted about the misuse of the atomic bomb are as great or are going to come about as has been suggested. To listen to some it would look as if a vital change, a change beyond all calculation, has been brought about by the discovery of atomic energy. Can atomic energy, if I may say so with great respect, bomb out the Sermon on the Mount or the Ten Commandments? Can the best designed U-Boat sink the Holy Koran? Can the most heroic human torpedo put out of existence the most ancient of the scriptures of the East, the Gita and Kural? Is there anything that has been devised, or that could be devised which would obliterate for ever the teachings of Budha or the great tenets of Confucius? Are we not likely to lose all sense of proportion, even when we regard the main horror of the misuse of atomic energy, and when we fail to realise that beyond all these things there is a Power which looks upon people and upon nations and which, in its own inscrutable way carries out its purposes for all eternity and unto all eternity? I remember the days when the great people of this land were subjected to bombings and tortures beyond all description. I remember the days when, as has been so well put by that inimitable master of the English language: "Never in the field of human conflict was so much owed by so many to so few". I remember men and women going to their retreats, to their foxholes again, on the hearing of the siren, and how much they owed those heroic individuals whose valour is unforgettable and will be inscribed in letters of gold, and whose heroism is immortal. I remember these men and women in their shelters, kneeling and praying, and yet again kneeling. I venture to think that we all are grateful for the human element that preserved them from danger and disaster.

But they also realised that there was One beyond who was the cause of their salvation, and whose Will was being performed in saving them. On that note, Mr. President, I trust that the Security Council, the Economic and Social Council, the Trusteeship Council, and the General Assembly itself, and

every member of the fifty-one Nations, and other members of this great United Nations organization, will perform their duties and discharge their responsibilities. There is one great thought which we can never forget and which has been so well put by the Poet:—

“Though the mills of God grind slowly, yet they grind exceeding small;
Though with patience he stands waiting, with exactness grinds he all”.

Sir Ramaswami Mudaliar was followed by Mr. Peter Fraser (New Zealand) who in a great speech announced that the New Zealand Government was prepared to place under Trusteeship, Western Samoa which was under its Mandate.

In the fifteenth Plenary Meeting Mr. Kiselev (Byelorussia) described the destruction and the devastation which his country had suffered and hoped that the War criminals would be punished expeditiously. He assured the United Nations that the Byelorussian people were whole-heartedly devoted to the cause of creating lasting peace. Mr. Makin (Australia) announced on behalf of his Government that the Mandated Territories of New Guinea and the Island of Nauru would be placed under the Trusteeship Council. He was followed by Mr. Bech (Luxembourg) and Mr. Van Langenhove (Belgium).

At the sixteenth Plenary Meeting Mr. de Blanck (Cuba) and Mr. Habte-Wold (Ethiopia) and Hamid Bey Frangie (Lebanon) spoke. They were followed by Mr. Bidault (France). After discussing various questions, he stated that the mandated territories under the Trusteeship of France, *viz.*, Togo and Cameroons, had recently appointed, by democratic elections, representatives to the French constituent assembly and that the French Government intended to carry on the work entrusted to it by the League of Nations. Believing in the spirit of the Charter the French Government was prepared to study the terms by which these arrangements could be defined in the case of Togo and Cameroons on the understanding that this would not entail for the population concerned any diminution of the rights which they already enjoyed by reason of their integration into the French community. He reminded the Assembly that the French policy in regard to these territories had been the same as had been followed by her in regard to the Muslims of Algeria who had been granted French citizenship. He then referred to the problems of Europe and particularly to the absence from the United Nations of 13 European States, apart from Germany, of recognised international standing representing a population of 150,000,000 inhabitants. He stated that France could speak for all the peoples of Europe whether they were to the East or to West of Europe as they were old friends. The last speaker during the general discussion was Mr. Al Khoury (Syria). He expressed the satisfaction of the Arab countries regarding the announcement concerning Trans-Jordan and expressed the hope that Palestine would be treated in the same manner. He also stated that two great nations had come to an agreement with regard to Syria and Lebanon without calling on them to take part in the discussion although they were the original members of the United Nations. He thought that this step was not in accordance with the principles of security conceived by the Charter and stated that the Syrian Delegation had been asked by its Government to bring the matter to the notice of the United Nations demanding an early and complete withdrawal of foreign troops.

SECTION III. *The Election of the Secretary General and of the Judges of the International Court of Justice.*

The next few Plenary Meetings were devoted to the consideration of the reports of the Committees etc. These discussions are alluded to in subsequent chapters.

At the twentieth Plenary Meeting the recommendation from the Security Council regarding the appointment of Mr. Trygve Lie as Secretary General

to the United Nations was received. In the General Assembly his nomination was supported by Mr. Makin in his capacity as President of the Security Council. As there were no other candidates, Mr. Lie was elected by roll call. 49 States voted, the representatives of two were absent. Out of these 49, 46 voted in favour and 3 voted against. Mr. Lie was formally installed as the Secretary General, at the 22nd Plenary Meeting. He replaced Mr. Gladwyn Jebb the Executive Secretary who had most ably discharged the duties so far.

At the twenty-third Plenary Meeting the Assembly first proceeded to adopt the report of the 6th Committee regarding the emoluments of the Judges and then proceeded to elect them. 15 Judges had to be elected individually by the Security Council and the General Assembly. The Security Council having held the ballot sent its proposals to the President who held a similar ballot in the General Assembly. As a result of the ballot in the Security Council and the General Assembly, Sir Mahomed Zafrullah Khan the only Indian candidate was elected by the General Assembly but failed to secure the necessary majority in the Security Council by two votes.

The second ballot was held at the twenty-fourth Plenary Meeting and although Dr. Winiarski (Poland) obtained the necessary votes in the Security Council no candidate obtained the required majority in the General Assembly. The position of Sir M. Zafrullah Khan deteriorated both in the Security Council and the General Assembly. A discussion then arose as to whether one meeting means one ballot or one day and it was decided by 24 votes against 11 that one meeting means one ballot and not one day. The Plenary Meeting was adjourned at 4-40 and was called to meet again at 5-15. Another secret ballot was then taken. As a result of this, Dr. Klaestad (Norway) was declared elected. The ballots were continued and eventually Dr. Winiarski (Poland) was declared elected.

The results of the election were rather disappointing as far as India was concerned. Sir M. Zafrullah Khan failed to get in because at the last moment some of our supporters in the Security Council changed their minds. His chances in the subsequent ballots were considerably weakened by the fact that Badawi Pasha (Egypt) was elected in the very first ballot and it was felt that it was not necessary to have two Muslim Judges on the Court.

SECTION IV.—Miscellaneous

At the twenty-sixth Plenary Meeting the General Assembly adopted a resolution on Spain, moved by Mr. Jimenez (Panama), to the effect that the Members of the United Nations should, in the conduct of their future relations with Spain, take into account the letter and the spirit of the resolution adopted by the San Francisco Conference, *vis.*, that Para. 2 of Article 4 of Chapter II of the United Nations Charter cannot apply to States whose regimes have been established with the help of the Nazis and the Fascists so long as these regimes were in power. He also reminded the Assembly that in the Potsdam Conference the Governments of the United Kingdom, United States of America and U.S.S.R. had reaffirmed this resolution. The resolution was strongly supported by the Delegations of France, Czecho-Slovakia, Mexico, Uruguay, Norway, Venezuela, Byelorussian S.S.R., United Kingdom and Yugoslavia. These Delegations described the way in which Hitler and Mussolini had backed Franco to overthrow the Republic and how the Spanish Blue Division had taken active part in the fight on the Eastern front. The representative of Mexico pointed out that their view was that the Republican Government of Spain had never ceased to exist though it was in exile and therefore the proposed resolution could not be described as interference in the national affairs of Spain. The resolution was adopted by 46 States voting for the resolution, the rest being absent with the exception of El Salvador and Nicaragua which voted against the resolution.

Among other resolutions adopted at this session was one regarding the construction of the Columbus Lighthouse Memorial. This resolution was sponsored by the Dominican Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Honduras, Mexico, Nicaragua and Panama. Another resolution was one suggesting that the question of the organisation of an International Press Conference may be placed on the agenda for the Second Part of the First Session of the General Assembly. Both these resolutions were adopted without discussion.

The twenty-seventh Plenary Meeting discussed the report of the 4th Committee regarding non-self-governing peoples, and unanimously passed a resolution stating that the General Assembly regretted that the Trusteeship Council could not be brought into being at the First Part of the First Session not because of any lack of desire to do so but because before the Trusteeship Council could be established, trusteeship agreements must be concluded. In view of the fact, however, that the Members of the United Nations administering territories held under mandate had taken initiative in making declarations in regard to those territories the United Nations drew their attention to the fact that the obligations accepted under the Charter by all the Members of the United Nations were in no way contingent upon trusteeship agreements or upon bringing into being Trusteeship Council etc., and requested the Secretary General to include in the annual report of the work of the Organisation any statement which may be transmitted to him by the Members of the United Nations relating to economic, social and educational conditions in the territories for which they are responsible. It further invited the State which held territories under mandate to undertake practical steps to draw up agreements urgently so that they could be submitted to the General Assembly for approval during the Second Part of the First Session of the General Assembly. The resolution to this effect was strongly supported by the Delegations of U.S.A., China, Egypt, Cuba, the United Kingdom and Peru. At the instance of the Chinese Delegate the resolution was adopted unanimously by all States present and voting.

The twenty-eighth Plenary Meeting was devoted to the consideration of the Report of the 6th Committee regarding the registration of treaties and international agreements and the convening of the International Court of Justice, and also the Report of the 6th Committee regarding the terms of office of Members of the Council. The second question gave rise to an interesting discussion, which has been referred to in the Report on the work of the 6th Committee.

At the twenty-ninth Plenary Session the General Assembly considered the report of the General Committee on the proposal of the Delegation of France regarding the participation of women in United Nations Conferences. While the Committee considered it inadvisable to make any recommendation in this connection it recognised the valuable contributions made by the women representatives and delegations and recommended to the Committee to make a declaration on the subject. Among those participated in the debate were Mrs. Roosevelt (United States of America), Miss Bernardino (Dominican Republic), Mrs. Dalen (Norway), Mrs. Verwey (Netherlands), Mr. Paul-Boncour (France), Mr. Peter Fraser (New Zealand), Mr. Fusco (Uruguay) and Mr. Noel-Baker (United Kingdom).

Mrs. Roosevelt stated that the new chance for peace as represented by the United Nations was the result of the joint efforts of men and women working for common ideals of human freedom and in view of their war record women were entitled to participate actively in the work of the United Nations in all its phases.

Miss Bernardino referred to the work done by the Inter-American Commission of Women and asked that a more important place should be given to the participation of women in the various delegations of the United Nations. Despite their record women were still handicapped by the lack of right to place any role in the discussions of peace and international affairs and hoped that the

Commission on Human Rights would contribute to the abolition of any existing discrimination by reasons of sex.

Mrs. Dalen and Mrs. Verwey endorsed the remarks of the previous speakers, although Mrs. Verwey pointed out that there were biological, sociological and psychological reasons why in public life women would always be in a minority. This did not however mean that women should be compelled to confine themselves to the home.

Mr. Paul-Boncour explained that Mme. Lefauchaux was the author of the proposal which they were discussing and he was very sorry that she was not present during the discussion. He described the work that was done by the French women during the war and said that apart from fighting women have played a most active part in the alleviation of the economic difficulties of their countries during the war. By way of illustration he mentioned that in France nearly 80 per cent. of the agricultural workers during the war were women.

Mr. Peter Fraser paid a tribute to the work of women at the United Nations Conference and expressed the hope that very soon the countries of the world would bring their women politically up and give them equal economic and social status. He stated that the Economic and Social Council were dealing with all these questions in a most practical way and he was sorry that because of some other urgent work it has not been possible for Sir Ramaswami Mudaliar to come and speak to them.

Mr. Noel Baker suggested to the Secretary General that in responsible posts in the Secretariat there should be proper representation of women and also that the services of the Information Section of the Secretariat should keep in close contact with women's organisations throughout the world.

SECTION V.—Discussion on the draft Resolution on Wheat and Rice submitted by the Delegates of China, France, Soviet Union, the United Kingdom and the United States of America.

This resolution was discussed at the thirty-second Plenary Session of the United Nations. The discussion was opened by Mr. Bevin. He explained that according to very recent calculations it was estimated that in the first six months of 1946, wheat and flour which importing countries needed to import from overseas would amount to about 17 million tons and supplies which could be exported and which were in sight against the requirements would be about 12 million tons. He also explained that the figures given below referred only to sea-borne import and export and not the figures of the supplies exchanged overland. There was no doubt that a good deal was exchanged overland, but nevertheless the deficit was terrific. This deficit would now grow considerably larger in view of the fact that owing to the failure of the monsoon in India and drought in South Africa crops in those countries had failed extensively. With regard to rice he stated that it had been previously estimated that there would be a deficit of over 2 million tons between the required imports and available exports but actually the rice position was turning out to be even worse than had been anticipated. The magnitude of the problem could well be imagined by the fact that nearly a thousand million of the world population dependent mainly on rice would be faced with famine. In Europe alone it had been estimated that there were a hundred million people consuming an average of 1,500 calories a day and there were very large numbers who were living on less than that quantity. He appealed to the United Nations to eliminate all waste and to ensure that every ounce of food that could be spared was made available for distribution. After describing the measures that were being taken in England to avoid waste he asked the United Nations to bear in mind that the resolution was a call to the nations in the greatest common cause that had ever faced them.

He was followed by Mr. Stettinius (U.S.A.) who promised on behalf of the United States the utmost co-operation in fighting starvation. He stated that

a vigorous nationwide campaign to conserve food and to eliminate, in particular, waste of bread, had been launched. The use of wheat in the direct production of alcohol had been virtually forbidden and the use of other grains for this purpose had been severely limited. This step alone, he said, would save for food about 20 million bushels of grain in the first half of 1946. The wheat flour extraction rate in the United States had been increased to 80 per cent, and they hoped to save about 25 million bushels of wheat during the first half of the current year by this method. He added that in addition new controls had been ordered over inventories, rail movements and export so that greater quantities of food could be directed to the countries most in need. Steps had been taken to export in 1946, about 4,00,000 tons of fats and oils and over 1½ billion pounds of meat and to increase the export of milk, butter, cheese and other dairy products. Arrangements had been made by the armed forces to release for the movement of food to Europe all vessels that were not needed strictly to maintain the armies of occupation abroad.

Mr. Wellington Koo (China) described the hardship which had resulted in China because of the occupation by the Japanese of the chief wheat and rice food producing parts of the country. He also stated that China had asked U.N.R.R.A. for 1 million metric tons of rice for 1946; but he did not think that they would receive more than a fraction of this amount.

Mr. Bidault (France) described the extreme shortage of supply of food prevailing in France where the harvest in 1945 was estimated to be about half of the pre-war production. He said that the French were the least well-fed in Europe and their daily ration figure was between 1,500 and 2,000 calories. He was hoping that France would have to receive 1,600,000 tons of food grains before the 1st of August 1946. He also stated that North Africa which in normal times exported wheat had been suffering from exceptional drought and would be requiring considerably imports in 1946.

The debate was continued in the thirty-third Plenary Meeting and the representatives of Norway and Denmark offered to do their utmost although their contributions would necessarily be very limited.

Mr. Gromyko (Soviet Union) supported the resolution on behalf of U.S.S.R., though he stated that it was difficult to determine without full information on the world supplies and the requirements of food how great was the danger of famine. His speech was one of the briefest heard during this particular debate.

Speaking on behalf of Australia, Mr. Beasley assured the United Nations of the utmost support of his country. He pointed out however that so far as rice was concerned, Australia was not a large producer and the whole of their actual crop, viz., 30,000 tons had been earmarked for the Australian armed forces and for export mainly to the Pacific consuming areas and rice had not appeared in civilian consumption in Australia throughout the whole war. With regard to wheat he stated that for five years before the war they planted about 30 million acres and their yearly average production was about 155 million bushels. Production at this level was maintained during the first two years of the war, but as their manpower was drained away from farm by 1943-44 their wheat acreage had shrunk to 80 million acres. In 1944-45 there was some increase in plantation but as a result of a disastrous drought production was only 52 million bushels. In 1945-46 they had sown 11 million acres and estimated that the crop would yield 125 million bushels. They were hoping to increase the area under wheat by 15 million acres in the current year but were greatly handicapped because of the shortage of man-power and fertilisers. They had already agreed to export in the first six months of 1946 "every ounce of wheat and flour that can possibly be spared and transported".

He was followed by Sir Ramaswami Mudaliar who made an impassioned appeal on behalf of India in the following words:—

"It is a matter of melancholy privilege to me that I should have to come and stand on this platform, not indeed to assure you that my country will do whatever it can to relieve suffering humanity but rather to plead that the eyes

"of all the nations which have surpluses and who can spare surpluses would be turned on my unfortunate country at the present time.

The resolution has been sponsored by the five permanent members of the Security Council, and it is an indication that not only is this a great humanitarian problem with which this Assembly is faced today, but that it is equally a problem which goes to the whole root of security and peace itself. But this afternoon, if you will pardon me, I should like to emphasize and to speak of the humanitarian aspect of this problem and to give a very brief review of the position of my country in this regard at the present time.

I do not propose to put statistics before the Assembly, but I wish to review the general position of the country during the last three or four years. The Foreign Secretary of the United Kingdom has told you that, apart from countries which have suffered ravages owing to the occupation of the enemy, there are countries today which are in an equally unfortunate position because of the ravages of nature itself. In my own country, cyclones, storms and droughts have all combined during the last three months, to wreck the hopes that we had entertained that we might be able, in reasonable measure, to be self-sufficient in the matter of food. But we are now faced with the problem that the importation of the very necessary cereals upon which the whole life of India is based may be at the very minimum possible. We realise that the countries of Europe need to be fed by imports from abroad. We were hoping, therefore, that our own claims, our own appeals (I shall not and dare not call them demands) would be at the minimum possible. It was because we had heard of the suffering of large sections of humanity that we hoped and prayed that our own demands would be at the minimum possible. But, alas, nature has played a trick on us which is of a very sorry kind. We find ourselves, at the present time, faced with a calamitous prospect for the future and faced with deficiencies for which we could not possibly in any way provide, whatever measures of rationing we introduced into our country. It is estimated that if each individual were to restrict himself to only eight ounces of cereal then it is only just possible to carry on.

You will easily realize what eight ounces of cereal means when I say further that the people of India cannot possibly take the other food-stuffs that can be taken by other countries. We do not want frozen meat, and we do not want and cannot eat ham and beef and things like that. Most of the people live purely on cereal, wheat, rice, maize and barley and things of that kind. Therefore the problem has become a very serious problem indeed.

But you will pardon me if I take you back to the last two or three years and give you a picture of India in 1942 and 1943, because I believe it has a very vital bearing on the present situation. I need not tell this audience of the efforts that India has made by its armies for the successful termination of the war. But I shall tell you what India did in another direction, a story which has not been told. India went into rationing more than two or three years ago of many of its foodstuffs, clothing, shoes and other commodities, and in the year 1942-43, there occurred that famine about which practically every member of this audience is aware, a dreadful famine in which, according to official accounts, a million and a half people died of food starvation. Not in concentration camps, not in occupied countries, not through the cruelty and torture of the enemy, but merely because they could not have enough to sustain body and soul—1,500,000 according to official accounts; 3 or 4 million according to non-official account.

In the streets of Calcutta, the second largest city in the British Commonwealth, it was a common sight to get up in the morning and see on the pavement women, children, men, dead just because they could not have enough to eat. That is a terrible experience and an experience which has seared our brain and burned itself into our hearts, and we cannot, dare not, face the prospect of a similar starvation in our country again. And that is why I emphasize

“that the resolution which the five great powers have sponsored has as much a political and security bearing as a humanitarian bearing.

But what did we do, even when we were suffering like that? When our people were dying by the millions of starvation? We tried to help, not merely in the armed conflicts, but in every other way the fighting and needy people in other countries, in directions in which we could help them. We did not steel our hearts in bitterness with what was happening, in bitterness because we could not get imports of grain, in bitterness because the shipping we needed was unavailable and had to be turned to the needs of the armed forces and the successful termination of the war, in bitterness because to whomsoever we applied we got little encouragement and less of the grain we needed so badly. In spite of that position, we tried to do what we could. We decreased our ration, and sent to Russia and other places the goods, specially footwear which their army and civilians needed so badly in the tormenting cruel winters, in the fight they waged around Stalingrad so heroically, and in other places against the German enemy. We sent sugar and other things to the Middle East and we rationed our clothing supplies and supplied to the armed forces in the Middle East and other places the khaki uniforms they needed. And to the civilian populations in the Middle East and the Middle West we sent to the extent that we could spare from our surplus with a minimum ration for ourselves, all the clothes that it was possible to send.

And while a million and a half people, officially, were dying of starvation and three millions, as I have said, unofficially were estimated to have died, not one foreign person in my country, man, woman or child, prisoner of war from Italy, Germany, refugees from Poland by the thousands, not one foreign person was allowed to starve or suffer in any way during all that terrible period. It may be a very fantastic way of exercising that traditional hospitality for which our country is known, but it was done, and it is a fact.

And now, when we dare not and cannot face another alternative like that, we turn to the countries which we tried to help even when we were in sore need. We turn to Russia and say “Would you not help us? Would you not tell us what surplus you have got?” I heard the other day in an electioneering speech that the greater General, Marshal Stalin made on the eve of that wonderful election which returned him by a hundred per cent, vote I heard the other day, Marshal Stalin say he was removing rationing from Russia.

I was happy, really happy to know that the stage had arrived in that country where rationing could be removed, and I appeal to my colleagues from Russia, colleagues in this United Nations, colleagues in humanitarian activities, colleagues who know what it is to take care of the working man, who have established in their own country a tradition of helpfulness to the working man and want to see established in all parts of the world the same tradition, I turn to them, humbly, respectfully, and make an appeal. Shall we not have from Russia when we are in sore need that which will keep our bodies and souls together, the bare food grains you can spare to us, even as we have sent you what we could spare, help for the people in the cold of Northern India, which you will surely understand.

I turn also to other countries alike, and I tell them this is the opportunity you all have to make the United Nations Organisation a living reality to the common man from all the countries of the world. Tell them, prove to them that the United Nations objectives of taking care of the fundamental freedoms are realities, and after all, the foremost and most important of them all is freedom from want.

I am certain that India does not appeal in vain. I was glad, I was over-come with appreciation to hear the delegate for America speak of the sacrifices they proposed to make, the cuts they proposed, the restrictions they propose to adopt so as to get a greater surplus and to send it to suffering humanity in the West and in the East. The American people have proved what a great heart they have during all this time: they have proved by their wonderful

"contributions in the form of Lease-Lend to various countries how they could sustain the war and the lives of the people. It is no wonder that the delegate for the United States should have made a similar gesture at present.

Yes, people all over the world have the measure of good will to help those who cannot help themselves in this one critical period when starvation endangers not only the few, but many, and can be stopped only by the generous help of many other countries. One has only to make an appeal to the people of the various countries. The government may be a little conservative, a little afraid. Governments may feel that their position may be a little shaky. But I tell them to take courage in their hands, put the position as they see it and realize it to the people of their countries, and there will be no question of any government being refused that help which comes from the common man in every country in the world for the prevention of the suffering of humanity.

I told you that I was fully aware of the conditions in Europe, and let there be no mistake, no misunderstanding whatsoever, that there is any competition between the West and the East in this matter, that while we are acutely aware of the needs of Europe we have come here, we have need to present our own case, to see that some little attention may be directed to the affairs in the East also, and particularly to my country, India.

The Prime Minister of a great country some years back deprecated any undue interest being taken by his country and his people in the affairs of a nation which was far off and in her people of whom little was known. What a tragedy that attitude led to history knows and the delegates who are assembled here in this hall know.

No, there is no country too far off from your hearts, there is no people about whom you do not know, as common beings, as common humanity, whose affairs you dare disinterest yourself in. Therefore, I venture to make an appeal to all those countries who are fortunately in the position of the "haves" at this moment, to do their little bit, to do a little bit of the tightening of the belt, if I may use that common phrase, to see that the harrowing sufferings which are in the offing for millions of people in most parts of the country are avoided in some measure and to some extent.

'Man wants but little here below,

Nor wants that little long.'

How true, how tragically true that is particularly of the people of the East, and it is that little, those few grains from the rich table of those who have, that now is asked for by the countries so unfortunately placed. The United Nations is here gathered. It is the testing time of the United Nations. It is that touch of common humanity which this United Nations has proved it has, which will prove the worth of this United Nations Organization and bring home to the people as nothing else will that this Organization is concerned with the welfare of the common man and that the common man must stand solidly behind this Organization.

What is the peace that one can offer, what is the security that one can offer to men and women and to the babies who are dying of starvation? Is it the peace of the grave, the security of six feet of untrodden earth? That is not what we are going to offer to them. We must offer the consolation that a common feeling of humanity moves us all, that in the interests of that common humanity all of us are willing to make fairly equal sacrifices, as we did during the war and as we shall do in times of peace.

I have had assurances from that large-hearted gentleman, the Prime Minister of New Zealand, on behalf of that large-hearted country, that they will do what they can to alleviate the miseries of the people who are suffering from pure want. I have had assurances from my colleague of Canada that he will ask his Government to do what it can. My friend from Australia has just repeated a similar assurance. Whatever differences we may have had among the Members of the British Commonwealth of Nations on the platform, in the

ballot box, in common service to humanity we stand four-square. That is the message that I want to take back to my people from the Members of the Commonwealth. And may I not extend that area of common humanity? I am sure that I can: from the speeches that I have heard from my colleague from the Soviet Union, from my colleague from the United States, from my colleague from Norway, who said that out of the little they can spare they will do what they can to help humanity. That abundant human sympathy has now to be translated into action, to be put before the people of these countries in terms as real as common human suffering can make it. I am certain that though the position looks grave, almost desperate, the solution of this problem is not beyond the capacity of the good will of the United Nations.

Pardon me. I feel this problem so acutely. The administrators of India, who have administered the affairs of four hundred million people, have gone through the racket during the last years. They have spent restless days and sleepless nights over this problem. Believe me, the torture and the agony of the soul through which they have gone cannot be described by me and we have come at long last to this Assembly, to this world platform of humanity, to plead our cause to better situated people. I trust my plea will not be in vain. Thank you."

Sir Ramaswami Mudaliar was followed by Mr. Martin (Canada) who stated that he had been moved with "the very great speech of the Delegate for India" and promised that he would bring the matter to the notice of his Prime Minister in a very vigorous way. After describing the measures taken by the Canadian Government during the war he stated that "we shall keep on shipping wheat at the average rate of approximately 1 million bushels per working day. In the first 185 days of the current crop year wheat exports have reached the figure of 204 million bushels. As at the beginning of this month Canada had an exportable stock of 140 million bushels of wheat. This will be shipped abroad by the 31st July 1946". They were reviewing the possibility of improving the remaining wheat stock and may be able to send another 5 to 10 million bushels.

After the representatives of Cuba and Greece had spoken the Resolution was adopted unanimously.

SECTION VI.—Committees.

Before the General discussion was finished the Plenary Sessions set up a number of Committees whose work is reviewed in subsequent chapters. India was represented on the different Committees by the following:—

1st Committee	Sir Ramaswami Mudaliar Sir V. T. Krishnamachari Mr. M. Ikramullah
2nd Committee	Sir Ramaswami Mudaliar Mr. M. K. Vellodi Mr. M. Ikramullah
3rd Committee	Sir Ramaswami Mudaliar Sir Samuel Runganadhan Mr. R. S. Mani
4th Committee	Sir V. T. Krishnamachari Sir John Bartley
5th Committee	Sir Ramaswami Mudaliar Mr. M. K. Vellodi Mr. M. Ikramullah
6th Committee	Sir V. T. Krishnamachari Sir Samuel Runganadhan Sir John Bartley

CHAPTER II.

FIRST COMMITTEE.—*Political and Security.*

Sir V. T. Krishnamachari attended all the meetings of this Committee.

Four questions were referred to this Committee:—

(i) Resolution on the establishment of a Commission to deal with the problems raised by the discovery of atomic energy and other related matters.

(ii) The language rules proposed by the Executive Committee in its Report to the Preparatory Commission and discussions connected with it.

(iii) Resolution proposed by Byelorussia concerning the extradition of war criminals.

(v) Resolution regarding representations received from non-governmental organisations.

(i) *Atomic Energy*.—On the 6th January, the Five Big powers and Canada sponsored a resolution proposing the establishment of a commission to deal with the problems raised by the discovery of atomic energy and other matters. The Commission shall consist of representatives of the members of the Security Council and Canada when that state is not a member of the Security Council. It shall recommend its rules of procedure to the Security Council (which shall approve of them as a procedural matter) and shall submit its reports to the Security Council. These reports shall be published unless the Security Council directs otherwise, in the interests of security.

"The Commission shall enquire into all phases of the problem and make recommendations from time to time. In particular it shall make specific proposals:

(a) for extending between all nations the exchange of basic scientific information for peaceful ends;

(b) for control of atomic energy to the extent necessary to ensure its use only for peaceful purposes;

(c) for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction; and

(d) for effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions".

The resolution was accepted by the Committee by an affirmative vote of 46 members with one abstention. During the discussions, tributes were paid to the Powers concerned for seeking an international solution of the problems presented by this revolutionary discovery and the importance of giving to the people of the world an assurance that atomic energy will be used only for peaceful ends was emphasized. Some delegations expressed the view that the Commission should be more widely representative of the United Nations as a whole but no formal amendment was proposed.

The General Assembly accepted the resolution without change.

(ii) *The Language Question*.—The language rules adopted at San Francisco and those proposed by the Executive Committee were discussed. Under these, five official languages are recognised—Chinese, English, French, Russian and Spanish and two working languages English and French. The question was reopened on a motion by Bolivia that Spanish should also be a working language. In support of this, reference was made to the number of Member States in which Spanish was spoken. These were prevented from sending to the U.N.O. their best men because of English and French being working languages. On the other hand, another motion proposed that there should be only two official languages—English and French—as this would secure economy in time and cost. Eventually both motions were rejected and the San Francisco scheme of languages was substantially accepted. These rules are:—

1 In all the organs of the United Nations other than the International Court of Justice, Chinese, French, English, Russian and Spanish shall be the official languages, and English and French the working languages.

2. Speeches made in either of the working languages shall be interpreted into the other working language.

3. Speeches made in any other of the three official languages shall be interpreted into both working languages.

4. Any representative may make a speech in a language other than the official languages. In this case he *shall* himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

5. Verbatim records shall be drawn in the working languages. A translation of the whole or part of any verbatim record into any of the other official languages shall be furnished if requested by any delegation.

6. Summary Records shall be drawn up as soon as possible in the official languages.

7. The Journals of the organs of the United Nations shall be issued in the working languages.

8. All resolutions and other important documents shall be made available in the official languages. Upon the request of any representative, any other document shall be made available in any or all of the official languages.

9. Documents of the Organs of the United Nations shall, if those Organs so decide, be published in any languages other than the official languages. These rules were accepted by the General Assembly.

(iii) *Extradition and punishment of war criminals.*—The principle of the Byelorussian resolution was accepted by the Committee. A Sub-Committee was appointed to make the drafting changes and bring the resolution into accord with international agreements relating to war criminals. The resolution as amended was approved by the Committee and the General Assembly. A copy is attached. (Appendix A).

(iv) *Representation of Non-Governmental Organisations.*—The World Federation of Trade Unions represented that it should be associated with the work of the United Nations in a consultative capacity. The requests originally made were not in conformity with the Charter but they were subsequently modified so as to be in accordance with Article 71. Similar representations were received from the International Co-operative Alliance and the American Federation of Labour. These representations were referred by the General Committee to Committee I.

Article 71 of the Charter provides for consultation by the Economic and Social Council with international and national non-governmental organisations.

The question aroused much feeling and controversy as was the case when it was raised in San Francisco. There were four resolutions sponsored by the U.K., U.S.A., U.S.S.R. and Belgium respectively.

Broadly speaking there were three different points of view. The first represented by the U.K. and U.S.A. proposed that a recommendation be made to the Economic and Social Council that it should adopt suitable methods to enable the World Federation of Trade Unions, the International Co-operative Alliance and other international non-governmental organisations whose experience the Council would find it necessary to use to collaborate for purposes of consultation with the Economic and Social Council:

and that a similar recommendation be made in regard to the American Federation of Labour and other national and regional non-governmental organisations whose experience the Council would find it necessary to use.

The second (represented by the Soviet Union) proposed that a recommendation be made to the Economic and Social Council to invite the representatives of the W.F.T.U. to participate in the Council in an advisory capacity.

The third (the Belgian proposal) consisted of two parts—the first in regard to the W.F.T.U.—that the Economic and Social Council should adopt arrangements for collaboration by the W.F.T.U. in a consultative capacity and the second that such arrangements be extended at a later date to the A.F.L. and other non-governmental organisations of a national or regional character.

Mr. Noel-Baker stressed the representative character of the International Co-operative Alliance. It spoke for 85 million families and had been in existence for 51 years. The U.S.A. delegate pressed the claims of the A.F.L. and added that he could not permit the A.F.L. to be treated differently from the other bodies. The U.S.S.R. and Ukraine delegates urged that W.F.T.U. was in a special category: its interests were so varied that all problems before the Economic and Social Council were within its scope. They did not object to other organisations but these should be dealt with later in accordance with their special character, being consulted on the problems that came within their field. As for the A.F.L. why did it refuse to be affiliated to the W.F.T.U.? They added that the Soviet proposal did not include or exclude their organisation: the Council was left free in regard to it. The Belgian attitude was somewhat similar, though it was prepared (as U.S.S.R. was not) for the inclusion of a second paragraph referring to the case of the A.F.L. being considered at a later date.

After much discussion about procedure, it was decided (20 votes against 10) to take up the U.S.A. resolution for voting in preference to the U.S.S.R. resolution.

This resolution was put in four parts:—

(i) *Preamble*.—Carried by 20 votes against 8.

(ii) The first portion of the resolution relating to the W.F.T.U.

For	27
Against	1
Abstaining	4

(U.S.S.R., Ukraine and Belgium were neutral).

(iii) The second portion of the resolution relating to the International Co-operative Alliance as well as other international non-governmental organisations whose experience the Council would find it necessary to use.

For	20
Against	4

(U.S.S.R., and Ukraine voted against).

Abstaining	12
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(iv) The portion relating to the A.F.L. and other non-governmental organisations of a national or regional character whose experience the Council would find it necessary to use.

For	24
Against	9

(U.S.S.R., France and Ukraine voted against).

Abstaining	4
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Some delegates made statements explaining their voting.

The India Delegation supported the U.S.A. proposals as, in their view, it was desirable that all the three bodies, which represented large interests, should be consulted by the Economic and Social Council in regard to matters within their competence.

Before the General Assembly, the same cleavages of views appeared as before the Committee. Speeches were made by Belgium, U.S.S.R., Ukraine, France, Norway, U.S.A., Poland, United Kingdom. The U.S.S.R. amendment was first put and lost—26 against, 12 for and 9 abstaining.

The Committee's resolution—i.e., the U.S.A. resolution was carried—32 for, 6 against and 11 abstaining. A copy of the resolution is attached. (Appendix 'B').

CHAPTER III

SECOND COMMITTEE—ECONOMIC AND FINANCIAL

Section I—Joint Sub-Committee of Second and Third Committees

Chapter III of the Preparatory Commission's Report (The Economic and Social Council) was entrusted to two Committees—Second Committee (Economic and Financial) and Third Committee (Social). As the line of demarcation between 'Economic' and 'Social' matters cannot be drawn clearly, certain portions of the chapter were found to concern both Committee. The General Committee decided that for the consideration of such overlapping subjects a joint Committee should be constituted of Second and Third Committees consisting of twenty-six delegates of Second Committee whose countries came within the English alphabetical order between Argentine and Iran and twenty-five delegates of Third Committee representing the countries from Iraq to Yugoslavia. Chapter III of the Preparatory Commission's report was thus divided among three committees—Second Committee, Third Committee and Joint Sub-Committee of II and III.

In Section IA, paragraphs 1, 2, and 3, the Preparatory Commission had recommended that the Economic and Social Council should—

(i) be summoned by the Secretary General or if he has not been appointed, by the Executive Secretary to meet in its First Session in London, within fifteen days of the election of the members of the Council by the General Assembly.

(ii) adopt the provisional agenda contained in section 2 of the Chapter.

(iii) adopt the Provisional Rules of Procedure contained in section 3 of the Chapter for the conduct of business during its first session and give consideration to these rules as a basis for its permanent rules. In paragraph 6, the Preparatory Commission recommended that the Economic and Social Council should consider at its first session the desirability of setting up a co-ordination commission and in paragraph 7 that the Council should take into account in establishing commissions the recommendations and considerations contained in section 4 of the Chapter.

The Chairman pointed out that as the Economic and Social Council had already been convened, no action was needed on paragraph 1. He invited Sir Ramaswami Mudaliar, Chairman of Committee 3 of the Preparatory Commission to comment on the other matters. As regards the rules Sir Ramaswami Mudaliar pointed out that under the Charter the Economic and Social Council had the right to adopt its own rules of procedure. It had in fact to establish a committee to make recommendations concerning rules of procedure. Pending the adoption by the Council of its first rules of procedure, it was necessary to have a set of provisional rules and it was recommended that the provisional rules contained in Section 3 of Chapter III should be followed during this interim period. As regards the provisional agenda, Sir Ramaswami pointed out that Committees 2 and 3 had already approved the establishment of various commissions. The provisional agenda provided that other urgent matters not specifically mentioned therein could also be taken up by the Economic and Social Council. In this connection, he invited attention to supplementary rule T on page 21 of the Report which dealt with the calling of international conferences by the Economic and Social Council. Article 62 of the Charter empowers the Economic and Social Council to call such conferences in accordance with rules prescribed by the United Nations. Pending such rules, however, it was necessary to give authority to all such conferences on matters of urgent importance.

As regards the establishment of a Co-ordination Commission (paragraph 6), Sir Ramaswami said that there had been some difference of opinion in the Preparatory Commission regarding the necessity of establishing such a commission immediately. Its desirability was not questioned but no specialised agency had yet been brought into relationship with the United Nations.

The Preparatory Commission recommended the establishment of three classes of commissions:—

- (1) Commissions that must be established at the first session of the Economic and Social Council,
- (2) Commissions which should be established at as early a date as possible, and
- (3) Commissions the advisability of establishing which should be considered.

It was felt that the Co-ordination Commission might be established at a later stage when some specialised agencies had been brought into relationship with the United Nations.

Mr. Noel Baker (U.K.) proposed the adoption of the Agenda proposed in Section 2 of Chapter III of the Report. The proposal was supported by South Africa and France and carried.

The provisional rules of procedure were also adopted without any discussion.

There was some discussion on paragraphs 36—38 of Section 4 of Chapter III dealing with the composition of Commissions.

Mrs. Roosevelt (U.S.A.) stated that the U.S.A. Government were not in favour of limiting the discretion of the Economic and Social Council in regard to the composition of Commissions in the manner proposed in those paragraphs.

Mr. Noel Baker (U.K.) agreed with those views and pointed out that the condition that "most Commissions should contain a majority of responsible highly qualified Governmental representatives" was too definite a directive that might embarrass the Economic and Social Council.

The Chairman enquired of Sir Ramaswami Mudaliar whether these paragraphs were merely suggestions to the Economic and Social Council or whether they were binding on that body. Sir Ramaswami stated in reply that the composition of Commissions would depend on the functions assigned them and that these paragraphs were not intended to deprive the Council of its discretion.

Mr. Noel Baker (U.K.) said that the phraseology was too definite and that in some cases it was possible that the objectives desired could be more easily achieved if the Commission was composed of experts who were not sent by their Governments with definite instructions. Referring to Paragraph 5 of Section 4 of the Report, he doubted whether the appointment of specialised agencies was invariably the best or most modern method of dealing with all problems. The Chairman suggested that the Committee might approve of the Preparatory Commission's Report but make it clear that its recommendations as regards the composition of Commissions were not binding on the Economic and Social Council, and that no limitation should be placed on the Council in choosing the members of the Commissions. This was approved by the Committee.

Paragraphs 42 and 43 of Section 4, "Committees of the Economic and Social Council", were approved by the Committee.

Sir Ramaswami Mudaliar then spoke on Paragraph IB of Section I, read with Section 5, of the Report on the subject of "relationships with specialised agencies". He said that these observations were to serve as guides to the Economic and Social Council in the course of its negotiations with specialised agencies. Any agreement arrived at with such agencies will have to be finally approved by the General Assembly before they could come into force. The agreements arrived at with specialised agencies should be such as would enable

the General Assembly and the Economic and Social Council to fulfil the obligations imposed upon them by the United Nations Charter. After explaining the observations in this Section, Sir Ramaswami said that there was some difference of opinion in the Preparatory Commission as to the location of the headquarters of specialised agencies. Some members thought that the advantage of centralisation were undoubted but it was conceded that there might be factors which in certain cases might operate in favour of locating the headquarters of an agency in a place which was particularly suited for the discharge of its functions. In reply to the Delegate from Columbia, Sir Ramaswami stated that although the negotiation of agreements with specialised inter-governmental agencies was obligatory under the Charter, it was permissible for the Economic and Social Council to negotiate agreements with other non-governmental agencies, including those of a regional character.

Continuing the discussion on Section 5 of the Report on relationship with specialised agencies, Mr. Noel Baker (U.K.) said that it served as an important guide for action by the Economic and Social Council. He observed that international co-operation in the technical fields would be a most important function of the U.N.O. In his view, the United Nations should not be bound by pre-war precedents. The system of passing Conventions which would come into force only in the event of ratification by individual States was out of date. He then referred to international bodies which were existing or which were due to come into being such as the International Labour Organisation, the Food and Agriculture Organisation, the International Bank and the International Fund, etc. The functions of these and of Commissions that would be set up by the Economic and Social Council might overlap and there might even be institutional rivalry. Co-ordination of the activities of these bodies was therefore essential and, in his view, the most important single factor which would serve to effect such co-ordination would be the establishment of the headquarters of these bodies in one place, namely the Headquarters of the United Nations. He realised that there might be instances when there would be compelling overriding considerations justifying the location of the Headquarters of a particular organisation elsewhere but he thought that, in that event, an authoritative Branch office should be established at the U.N.O. Headquarters. He then referred to three categories of specialised agencies. In the first place, there were agencies which were already existing such as the International Labour Organisation and the Food and Agriculture Council. The latter body recently met at Quebec and had drawn up proposals for its integration into the system of the United Nations. He thought that this should serve as a model to the Economic and Social Council in its task of bringing other agencies into relationship with the U.N.O. The International Labour Organisation was also an important organisation, in a class by itself, to which H. M. Government attached the greatest importance.

Secondly, as regards the Commissions to be set up, their institutional machinery should be examined very closely by the Economic and Social Council and the General Assembly. The pre-war method of dealing with problems by means of international conferences was not sufficient. He thought that there should be standing bodies providing for continuity of work in their own particular fields.

Thirdly, there were fields not covered by either of the two categories of agencies mentioned above. For securing rapid results, it might be advisable for the Economic and Social Council to set up expert bodies. In fact, he thought that such bodies should be set up by a resolution of the General Assembly so that they could go ahead with their work without having to refer to each individual Government for ratification.

In conclusion, Mr. Noel Baker made it clear that he was not proposing any alteration in Section 5. He merely suggested that, in dealing with the whole

question, the Assembly and the Economic and Social Council should have sufficient latitude.

The representative of Belgium agreed with the observations of Mr. Noel Baker.

The Soviet Representative agreed with Mr. Noel Baker that the Economic and Social Council was the most important organ of the United Nations and added that its task would be to consider measures for improving the conditions of the common people in all countries, providing full employment and ensuring that the people were saved from fear of want. As regards the bodies already existing we must learn from past mistakes. We must incorporate what has been good in them and reject fearlessly what has been found useless. The U.N.O. he said, unlike the League of Nations, had on it all the important countries in the world and he was therefore hopeful that it would succeed where the League had failed. In the past, public opinion was not sufficiently assertive and had not been taken into account by international bodies. In particular, the voice of Labour was not given that weight which it deserved. Things were not better and the World Trade Union Federation, which had recently been established, had adopted a resolution expressing its desire to be brought into relationship with the U.N.O. As the Economic and Social Council was empowered to negotiate with non-governmental agencies, he hoped that it would be able to enter into an agreement with this Federation.

The representative of France also stressed the desirability of allowing flexibility of procedure as regards agreements with other specialised bodies. He thought that the Council should distinguish between bodies which existed before the war and new organisations. On the question of Headquarters, he thought exception should be made wherever desirable to enable agencies not located at U.N.O. Headquarters to be brought into relationship with the Council and the U.N.O. France also attached much importance to the problem of refugees. An early consideration of this problem was necessary not merely from the humanitarian point of view but also to ensure the future peace of Europe.

The representative of Ukraine referred to conditions prevailing in Eastern Europe which had been devastated by the war and thought that the Economic and Social Council should devote special attention to these areas. Eastern Europe used to be a blind spot with the League of Nations and that mistake should not be repeated. As regards the Commission on Human Rights, he emphasised that mere words were not enough but that administrative machinery should be established to translate the Charter rules into action.

The representative of Brazil stated that his country attached the greatest importance to the International Labour Organisation which had helped them to solve a number of their problems. He hoped that this organisation would be brought into close relationship with the United Nations.

The Chairman expressed his own personal view that the Headquarter of these various bodies should be in one place and that that place should be the Headquarters of the United Nations. Conferences could be held in different parts of the world to stimulate interest but the danger of distributing organisations in different parts of the world was too great to be overlooked.

The Joint Sub-Committee approved of Section 5 of the Report. With this the work of the Sub-Committee was completed.

Section II

Second Committee met under the Chairmanship of Mr. W. Konderski (Poland). It considered the following portions of Chapter III of the Preparatory Commission's report referred to it:—

(i) Section IA, paragraphs 4(b) and (d) concerning the establishment by the Economic and Social Council, at its first Session, of an Economic and Employment Commission and of a Statistical Commission, and

(ii) Section IA, paragraphs 5(b) and (c) concerning the desirability of establishing at an early date and possible at the First Session of the Council a Temporary Transport and Communications Commission and a Fiscal Commission.

The Committee, after hearing a statement from Sir Ramaswami Mudaliar, on the reasons which prompted the Preparatory Commission to recommend the setting up of these commissions, concurred in the recommendations.

The Committee was also charged with the duty of considering the resolution on U.N.R.R.A. proposed by the U.S. and submit a report on it to the General Assembly.

The resolution proposed by the U.S.A. referred to the circumstances under which 44 nations signed the agreement on the 9th November, 1943, which brought the U.N.R.R.A. into existence and while recognising the great value of the relief and rehabilitation work done by the U.N.R.R.A. in the last eighteen months, pointed out that the culminating stage of U.N.R.R.A.'s work, was the most critical and needed the provision of supplies and services in a greater volume than ever before. The resolution therefore suggested that the General Assembly should :—

(i) urge the states signatory to the U.N.R.R.A. agreement to contribute the further one per cent of their national income applied for by U.N.R.R.A. in August 1945;

(ii) urge other peace-loving states who are not signatories to the U.N.R.R.A. agreement to join the organisation and thereby make their contribution to this great humanitarian task;

(iii) instruct the Secretary-General to obtain progress reports from the U.N.R.R.A.

The Soviet delegation presented an alternative in which two changes were suggested. The first was that in (i) above only states *not* occupied by the enemy should be asked to increase their contributions, as only such states paid the original contributions. The second was that in (ii) above instead of "peace-loving states" should be inserted the words "members of the United Nations".

The U.S.A. suggested that the resolution should make reference to the understanding that the work of the U.N.R.R.A. should be completed in Europe by 31st December, 1946 and in Far East by March, 1947.

After consultation with the U.K. and the Soviet Delegation, the delegate for the U.S.A. submitted a revised resolution reconciling the different drafts and proposing a committee to ensure that action was taken promptly doing this, he stated that the Congress had almost unanimously voted the appropriation of 230 million dollars for the U.N.R.R.A. The resolution was non-controversial.

Mr. Noel Baker (U.K.) paid a tribute to the generosity of the U.S.A. which made the work of U.N.R.R.A. possible. He recalled Mr. Bevin's statement to the General Assembly on the grave food situation in Europe. As many as 30,000,000 people in Europe were subsisting on 1500 calories a day or less. A number of them were, in fact, getting only 1000 calories a day. Even 1500 calories a day represented about half of the normal requirements of a human being. The non-agricultural populations of Albania, Austria, Czecho-Slovakia, Hungary, Yugoslavia etc., were living in a precarious condition. There was a world deficit in crops this year and there was draught on an unprecedented scale in five continents simultaneously. He had said it before and he would say it again that U.N.R.R.A. was not charity but merely enlightened self-interest. The U.K. Government's original text merely invited the Governments to contribute to U.N.R.R.A. but, after consideration, they gladly accepted the U.S.A. Government's draft which proposed the setting up of a Committee to ensure that action was in fact taken.

All the other delegates who spoke also paid warm tributes to the U.S.A. Government and the U.S.A. people for their contribution to U.N.R.R.A.

The Delegate for Denmark expressed his country's appreciation of the work done by U.N.R.R.A. Originally U.N.R.R.A. called for contributions only from countries which were not occupied by the enemy during the War. Subsequently contributions were invited from ex-occupied countries also. He admitted that Denmark was in a better position than other countries which had been occupied but he wanted the Committee to bear in mind that Denmark was supporting on her soil 200,000 German refugees at a cost of 3 per cent of her national income. In his view a contribution of 1 per cent of the national income should not be insisted on from all countries. He also thought that countries which are not members of the U.N.O. should also be called upon to contribute.

The Delegate for France characterised U.N.R.R.A. as the first example in history of a co-operative movement on an international scale. France had made her own contribution to U.N.R.R.A. but he fully realised that it was merely a token contribution in view of the difficulties she herself had to face as a result of five years of German occupation.

The Delegate for Poland referred to the vast devastation of men and material in his own country. Five million Polish citizens, he said, had been murdered by the Nazis. Poland had lost 75 per cent of her livestock, 75 per cent of spindles in the cotton textile industry and 92 per cent of spindles in the woollen textile industry. All her capital had been lost. He realised that it was not possible to replace all these losses and that U.N.R.R.A. could only help in the supply of minimum necessities. His country owed a debt of gratitude to U.N.R.R.A. through whose efforts Poland was actually now in possession of more motor-vehicles than she had before the War.

The Representative of Australia stated that his Government had made a contribution of 12½ million Australian pounds for U.N.R.R.A. Out of this, goods worth six million Australian pounds had already been distributed. Australia had her obligations to the U.S.A. under reciprocal lend-lease and also for the maintenance of a large number of British troops. He pointed out however that Australia was in the midst of a draught unprecedented in her history. It would not be proper for the Australian Government to make a further appropriation to U.N.R.R.A. unless they are satisfied that supplies were in fact available in their country. He supported the spirit of the U.S.A.'s redraft of the resolution.

The Delegate for Czecho-Slovakia stated that if the work of U.N.R.R.A. was not completed by the 31st December, 1946, it should be continued for a few months longer.

The Representative of Turkey announced that his Government would shortly be approaching the Turkish National Assembly to vote a grant to U.N.R.R.A.

The Delegate for Brazil stated that his country had already contributed thirty million dollars to U.N.R.R.A. which represented 10 per cent of her national income and was more than the total contribution of the other nineteen Latin American countries. He regretted that his country was unable to make any further contribution and if the resolution was put to the vote he would be compelled to abstain from voting.

The Netherlands Government representative supporting the resolution stated that his Government, in spite of their economic difficulties, had made token grants to U.N.R.R.A. They had voted one million guilders in 1945 and two million guilders in 1946.

The South African Representative stated that they had already contributed 1 per cent of their national income to U.N.R.R.A. but as South Africa was in the midst of the severest draught in living memory, they could not at this stage undertake to make a further contribution. If however, conditions improve, they would gladly revise their views.

The resolution as amended by the U.S.A. was accepted by the Committee. The Sub-Committee proposed for taking the action recommended in the resolution, consisting of the representatives of Canada, China, Dominican Republic, France, Greece, New Zealand, Norway, Poland, U.S.S.R., U.K., U.S.A., was also agreed to.

The General Assembly accepted the resolution unanimously.

Section III

Third Committee was charged with the duty of considering the following portions of Chapter III of the Preparatory Commission's report (The Economic and Social Council): Section 1A, Paragraph 4(a), (c), (e) regarding the establishment by the Economic and Social Council of a Commission on Human Rights, a Temporary Social Commission and a Commission on narcotic drugs and Paragraph 5(a) regarding a Demographic Commission. This Committee was also asked by the General Committee to consider the question of refugees and report on it to the General Assembly.

Commissions to be set up by the Economic and Social Council

Sir Ramaswami Mudaliar explained that the Committee was called upon to discuss the subjects above referred to which related to the social work of the Economic and Social Council. It was open to the Committee to give indications regarding the desirability of setting up the various commissions, their size and additions, if any, to the terms of reference suggested by the Preparatory Commission. He added that the commission relating to Human Rights was a matter of immediate importance and, on the suggestion of the U.S.A. representative, the Charter itself made reference to this commission. It will deal particularly with women's rights in the social, political and economic field. It may even be necessary to set up a Sub-Committee to survey the rights of women existing in various countries. As regards the Commission on Narcotic Drugs, the work done by the League of Nations must be continued. China was particularly interested in the subject. The Temporary Social Commission will deal with the miscellaneous work done by the League of Nations and will continue the work of various international organisations in the social field. Finally, as regards the Demographic Commission, Sir Ramaswami stated that the Preparatory Commission considered that it was not of immediate importance although its desirability was not questioned. It was, of course, open to this Committee to recommend the setting up of a Demographic Commission immediately.

The Chairman formally moved that the Commission on Human Rights, as recommended in paragraphs 15, 16 and 17 on page 36 of the Report of the Preparatory Commission, be immediately established. The representative of Cuba stated that his delegation proposed to circulate a memorandum on the subject. Mrs. Roosevelt warmly supported the proposal on behalf of the Government of the U.S.A. and added that her Government laid particular emphasis on the drawing up of an international Bill of Rights. Miss Ellen Wilkinson (U.K.) also supported the proposal and drew attention to the record of the United Kingdom in the matter of human rights, particularly the rights of women. Women in the United Kingdom, she said, had equal rights with men in every field except in regard to membership of the House of Lords.

The representative of Poland in supporting the proposal stated that the drawing up of a Charter was not sufficient but that concrete methods should be suggested for achieving human rights. He referred in particular to the fact that millions of men and women in Europe were subsisting on starvation level. The Chairman, while, agreeing with the representative of Poland, said that the function of the Commission would be confined to drawing up a Charter. The question of ensuring ways and means to achieve those rights, and particularly the question of meeting conditions of starvation which had been referred to, could appropriately be dealt with on the United Kingdom's proposal relating to U.N.R.R.A.

The Committee formally approved Paragraph 15—17 of the Report.

On the question of the establishment of a Temporary Social Commission, the Chairman enquired why it was proposed to set up this Commission on a temporary and not on a permanent basis. Sir Ramaswami Mudaliar said that a number of initial questions had to be settled and a survey would have to be made of existing organisations in the international field to decide which of them should be continued. Moreover, it was desirable to continue the work done under the auspices of the League of Nations in various fields until a permanent commission was set up.

The Committee approved of Paragraphs 26—28 of the Preparatory Commission's Report.

On a proposal of the representative of China, the Committee decided to set up a Commission on Narcotic Drugs immediately so that the work which was done by the League of Nations might be continued without interruption.

On the question of the establishment of a Demographic Commission there was at first some division of opinion. The representative of Canada was in favour of establishing it immediately. He said that the question of migration and of the equitable distribution of population was urgent and had not hitherto been studied in any detail. He could not understand why a question of such importance was to be postponed. Sir Ramaswami Mudaliar explained that he was not expressing his personal views but was merely stating the reasons for the suggestion of the Executive Committee and the Preparatory Commission in this matter. They all realised the importance of the subject but a vast amount of material had to be collected and documentation had to be prepared and it was thought that it would not be possible to include the subject in the Agenda of the first session of the Economic and Social Council.

The representative of Australia agreed with Sir Ramaswami Mudaliar and after further discussion, the representative of Canada withdrew his proposal.

The Delegate for Cuba proposed the establishment of a cultural and educational commission. He said this was necessary if the objects of the Charter were to be carried out. Those who opposed the proposal held that the U.N.E.S.C.O. should be given an opportunity of proving its worth and that the establishment of such a commission as proposed would mean duplication.

Miss Ellen Wilkinson instanced the conflict there was between the institute of Intellectual Co-operation and the Commission on Intellectual Co-operation. The proposed was also opposed by the U.S.A. and China. It was put to the vote and lost, 13 voting for and 21 against.

The Committee, in the result, supported the recommendations of the Preparatory Commission under this head.

Refugees

When the question of refugees was taken up, Mr. Noel Baker (U.K.) explained his proposal. He pointed out that the termination of the war had made it necessary to review the machinery for dealing with the refugee problem. Neither the Inter-governmental Committee on Refugees nor U.N.R.R.A. which was a purely temporary institution, could deal adequately with this problem which was of the greatest importance and urgency. His Government therefore proposed that the question should be referred to the Economic and Social Council for thorough examination and for report to the second part of the session of the General Assembly. Mrs. Roosevelt speaking for the American Delegation strongly supported the British proposal.

The Yugoslav delegate said that he was not against a study of the problem by the Economic and Social Council but the General Assembly should lay down principles for its guidance on the political issues connected with the problem. After the defeat of Germany, the refugee problem had changed. There was no reason why displaced persons should not go back to their own countries. It

would be unfortunate if the United Nations became responsible, directly or indirectly, for perpetuating the presence outside their own countries of groups of persons who were either war criminals or at least sympathisers with Fascist ideas. The Spanish Republican refugees and German Jews were the only two classes to be studied.

At this stage the Chairman suggested that the U.K. proposal should be re-drafted as follows:—

“The Third Committee recommends that the question of refugees be referred by the General Assembly to the Economic & Social Council for thorough examination in all its details under item 10 of the provisional agenda of the first session of the Council and for report to the second part of the first session of the Assembly”.

The Yugoslav proposal was an amendment that the following addition should be made to the resolution:—

“The General Assembly should adopt the following recommendation for the direction of the Economic and Social Council in the examination of the problem of refugees”.

The Yugoslav proposal should be decided first.

The Netherlands delegate pleaded for a thorough examination of the question. These were three questions:—

- (i) How to define uprooted persons including refugees and classify them;
- (ii) What were the main lines of solution and resources available;
- (iii) What would be the appropriate machinery for action.

There were refugees who were unrepatriable. There were those who were unwilling to go back and there were war criminals.

He thought that a Central Organ of United Nations, including possibly non-members, should be set up to deal with the problem in close collaboration with existing agencies.

In the further discussion, the delegate for Canada supported the U.K. proposal. He appealed to the Yugoslav delegate to withdraw his amendment. The delegate for Denmark explained the position in his country—how it had to support large numbers of Germans who were migrating into it—and urged acceptance of the U.K. proposal.

The delegate from Poland emphasised the political aspects.

The Belgian delegate said that the refugees could be divided into four categories.

Firstly, there were the displaced persons who had migrated from their countries voluntarily or by compulsion. The problems relating to this class of refugees were temporary and would be dealt with by U.N.R.R.A. Secondly, there were the War Criminals. In his opinion, these should be dealt with under the International Convention of 1945 signed in London. There was no question at all of sheltering war criminals. The existing machinery for dealing with such criminals was far from perfect. He cited in this instance the criminals who had sought refuge in Fascist Spain. Thirdly, there are traitors including collaborationists. In his opinion, no asylum could be offered under any international organisation to traitors. There must, however, be a careful definition of the term traitors. Fourthly, there were refugees who were unwilling to get back to their country of origin. They must be patriots or conscientious objectors. He was not in favour of such persons being repatriated against their wishes. He concluded by saying that the problem should be referred to the Economic and Social Council for study and recommendation.

The Ukrainian delegate, who next spoke, confined his remarks to war criminals and to sympathisers with Fascism who were still at large. A group of people calling themselves “Ukrainian nationalists” had collaborated with the Nazis and even fought on their side. They were now to be found in Western Germany, Western Austria, Switzerland and Italy. He was in complete agreement with the views of the Yugoslavian delegation on the subject and thought

that the problems did not fall within the scope of the Economic and Social Council and would have to be entrusted to an *ad hoc* Commission.

The Czecho-Slovakian Delegate referred to the danger to world peace caused by the existence of remnants of Fascism amongst refugees. He thought that there was nothing incompatible in the different views that had been put forward by the United Kingdom and the Yugoslavian Delegations and suggested that a Committee consisting of the U.S.A., U.K., Yugoslavia, Belgium and Poland should be set up to examine the proposals and put forward into one single text on a non-political basis.

The Delegate for France divided refugees into two categories (a) statutory and (b) displaced. In the former were persons who had already settled down in the country of refuge and had acquired judicial rights and status. The problem here was to normalise the status already achieved and ensure uniformity of treatment in all countries. Under the existing state of affairs, certain classes of refugees were entitled to international financial assistance while others were not. There should be no such disparity in treatment in the future. As regards displaced persons, those who had associated with Nazis had lost the right to international assistance. The Government of France thought that the Economic and Social Council should study these questions in detail with the assistance of a Committee consisting of representatives of the proposed Demographic Commission and bodies like the International Labour Organisation. Their first aim should be to repatriate displaced persons to their country of origin. Where that was not possible, the refugees should be sent to some other country but that should be final and refugees should not be placed in the position of being directed from one country to another from time to time.

The Chairman announced that there were before the Committee the motion of the U. K. Delegation, the two amendments of the Yugoslavian and Netherlands Delegations and the suggestion of Ukraine and Czecho-Slovakia for the constitution of a Sub-Committee to discuss all the proposals and submit a report to the Committee.

The Delegate for Byelorussia spoke in support of the position taken up by the Yugoslav delegate.

The Delegate for Panama pointed out that although the forces of evil had been conquered, they had not yet been fully destroyed. The problem could be solved in a permanent manner only if the United Nations drew up and enforced a list of Human Rights in all countries. A number of Spanish refugees now found in various parts of Latin America were afraid of returning to Spain under the present Franco regime. A number of Panama merchant-seamen were still in China and had not the means to return to their own country.

The Delegate for Egypt stated that his country had looked after a very large number of Polish, Yugoslavian and Greek refugees almost from the very commencement of the war. He supported the proposal to refer the question to the Economic and Social Council and hoped that it would take into account the demographic situation in various countries before making its recommendations. He was of the view that a clear distinction should be drawn between the political problems of Jewish immigration into Palestine and the general problem of refugees considered in its purely humanitarian aspect.

The Delegate for Australia supported the U.K. Government's proposal to refer the question to the Economic and Social Council. He was unable to distinguish between the political aspect of the problem on the one hand and its social and humanitarian aspect on the other. He could not see any line of demarcation as these problems were closely intermingled. He was in agreement with the previous speakers that no shelter or asylum or assistance of any kind should be given to war criminals but the problem of other refugees must be studied in detail with a view to ascertaining its extent and formulating concrete, practicable proposals. The Economic and Social Council should before taking any final steps report to the Assembly who should thereupon give a clear directive in the matter. Australia would co-operate with any Commission that may be set up in the matter. She had in fact accepted a quota of European

immigration and had also a further immigration plan under consideration.

The Delegate for Lebanon referred to the fact that at the end of the Great War of 1914-18, his country had accepted 80,000 Armenian refugees who were absorbed in their country, have been given Lebanese national status including seats in the local Legislature. The Jewish problem in Palestine was not humanitarian but distinctly political.

The Delegate for Iraq while agreeing to the question being referred to the Economic and Social Council, differed from the view of the Polish Delegate that the question of Jewish immigration was inseparable from that of the general question of refugees. Whilst condemning Jewish persecution, he stated that the immigrant Jews had uprooted and dispossessed the local population in Arab countries. The solution of the refugee problem lay in guaranteeing and maintaining Human Rights so that Jews may be enabled to live in peace in their own countries.

The Soviet Delegate referred at length to quislings, traitors and Hitlerite war criminals masquerading as refugees in many countries. These must be searched out, returned to their own countries and tried under the laws of those countries. It was not sufficient to lay down this principle as was done in the Committee. These words must be translated into deeds. The first task was to stop assistance being given to these criminals. The U. K. memorandum was silent on the subject. He thought that the omission was inadvertent. The right of asylum was recognised by the Soviet Government but that right cannot be extended to Hitlerite agents who even today were able to carry on propaganda in Western Germany, Italy and other countries. The problem of refugees was one of enabling displaced persons to return to their countries. The United Nations should not fall into the error of the League of Nations of regarding refugees as a permanent institution. The question of refugees concerned only two countries: the country of origin and the country of refuge. The problem can be tackled by bi-lateral agreements between the two countries and he saw no need for an international committee to solve the problem. He would not, however, object to such a Committee being set up, but its personnel should consist of countries which are directly involved in the problem of refugees. He would agree to the question being referred to the Economic and Social Council but the Assembly should direct the Council to adopt the following principles:

(1) All possible help should be given to refugees to return to their own country.

(2) Those who did not wish to so return should be helped to settle in another country with the consent of the Government of that country. No propaganda against the United Nations or against the return of refugees to their own homelands should be permitted.

(3) Quislings, traitors and war criminals should not be regarded as refugees, should be searched out and immediately returned to their countries.

The Soviet Delegate submitted an amendment to the U. K. Government's proposal in the above terms.

The Delegate for New Zealand supported the U. K. proposal. No refugee should be compelled to return to his country against his will. The delegate for Peru suggested the following principles for dealing with the problem:—

(i) The Spanish Republican refugees should clearly be brought under the protection of the U.N.O.;

(ii) Steps should be taken to ensure a better distribution of world population, as one of the causes for the existence of refugees was the economic pressure in heavily populated countries. South America would gladly co-operate in any such solution and would be prepared to welcome other peoples into her territories.

At this stage Mrs. Roosevelt circulated an amended alternative resolution. She expressed her appreciation of the co-operative spirit shown by the Soviet Delegation. The U. S. proposal, she said, incorporated the U. K. proposal and also certain features of the proposals of the Soviet and Netherlands Delegations. The Soviet Delegate spoke only of two classes of refugees, namely, those who

were not prepared to go to their own countries and war criminals; but there were other classes of refugees like the Spanish Republicans who were not prepared to go to Spain under the present regime there. There are also other classes of refugees who differ from the Governments now existing in their countries of origin. They would be no problem, she said, if all Governments were so constituted that differences could be resolved by constitutional means without the use of force. This position did not prevail in all countries at the present moment. The U. S. proposal represented the maximum compromise which could be effected at the present moment. The Netherlands and U. K. Delegations accepted the U.S.A. redraft.

The Yugoslavian Delegate was unable to withdraw his proposal. The Soviet Delegate said that his proposal was wider than that of the U. S. but that the differences were not irreconcilable. He therefore proposed the establishment of a small Sub-Committee to work out a final text.

After much discussion on procedure, it was agreed that a sub-committee should be set up consisting of the Chairman, the Rapporteur and the Representatives of the U.S.S.R., U.S.A., Yugoslavia, France, U.K., Panama, Netherlands and Lebanon to study the varying points of view and submit a report.

The Committee met on the 8th February to consider the Sub-Committee's report. The Sub-Committee recommended a resolution under which the General Assembly, recognising that the problem of refugees and displaced persons of all categories as one of immediate urgency and recognising also the necessity of clearly distinguishing between genuine refugees and displaced persons on the one hand and war criminals, quislings and traitors on the other, would entrust to the Economic and Social Council the detailed study of all aspects of the question, the Council to set up a special committee for the purpose. The following principles should guide the Council:—

(i) this problem is international in scope and nature.

(ii) the main task concerning displaced persons is to encourage and assist in every way their early return to their countries of origin. Such assistance may include such bilateral agreements for mutual assistance in repatriation as may be agreed upon;

(iii) no refugees or displaced persons who have finally and in complete freedom, after knowing the full facts, expressed valid objections to return should be compelled to do so. The future of such refugees shall become the concern of whatever international organisation may be set up or recognised as the result of the study undertaken, except where the Government of the country where they have been established undertake this responsibility. No action taken as a result of the resolution should be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings and traitors in accordance with international arrangements or agreements.

Referring to above the U. K. Delegate pointed out that the Economic and Social Council could not conclude any bilateral agreements between two Governments. He therefore proposed that the sentence should be recast so as to make it clear that the Economic and Social Council should promote the conclusion of such bilateral agreements. The Committee also approved his proposal to interchange the order of sub-paragraphs (ii) and (iii) so as to make it clear that no refugee, who expressed valid objections to his return to his country, should be compelled to go there against his will.

The Soviet Delegation made a proposal that the re-settlement of a refugee in a new country should be subject to the consent of the Government of his country of origin. This was defeated by ten votes to seventeen.

Similarly, a second proposal that no propaganda against the interests of U.N.O. or its members against refugees returning to their native countries should be permitted in refugee camps was defeated by seven votes to twenty-one. In the course of discussion it was pointed out that it would be difficult to give effect to this proposal in practice. A third proposal by the same delegation that the personnel of Refugee Camps should be drawn mainly from the represen-

tatives of the States concerned was also defeated by nine votes to fourteen. The last proposal of the Soviet delegation was that quislings, traitors, war criminals and collaborators should not be regarded as refugees and should be immediately returned to their countries of origin. Although the Committee agreed with the principle of the proposal it felt that it was out of place in a resolution dealing with refugees. This was defeated by nine votes to thirteen.

The Delegate for Belgium proposed the omission of the word 'valid' in clause (iii) of the principles mentioned on page 57. He thought that the fact that a refugee expressed his desire not to return to his country should be sufficient.

The U.N.O. laid great stress on the importance of Human Rights and a refugee should not be called upon to explain why he did not wish to return to his country, particularly as it was difficult to decide whether his objections were valid or not. The draft also did not make it clear who was to decide whether the objections were in fact valid. The Chairman pointed out that the matter was carefully gone into in the Sub-Committee and the object of inserting the provision was to rule out trivial or imaginary objections. Some refugees might refuse to return to their country merely because economic conditions were better in others.

The Belgian Delegate withdrew the amendment on the understanding that the Chairman's explanation would be incorporated in the Rapporteur's Report.

The Delegate for Denmark proposed that "intruded persons", that is to say those who were sent by Germany into other countries during the war, should not be given the right to raise objections to their repatriation to Germany as they were not refugees in the real sense of the term. The U. K. Delegate stated that the adoption of this proposal would lead to considerable difficulties of interpretation in the case of refugees found elsewhere than in Denmark. The proposal was rejected.

The Committee's resolution was placed before the General Assembly. At the General Assembly the amendments referred to above were moved and disallowed. The resolution as finally accepted by the General Assembly is attached. [Appendix 'C'].

CHAPTER IV

FOURTH COMMITTEE—TRUSTEESHIP

Sir V. T. Krishnamachari was in charge of this Committee for India, assisted by Sir John Bartley and attended all the meetings.

The Preparatory Commission submitted to the General Assembly a draft resolution:—

(i) referring to the duty assumed by the United Nations of establishing a system of international trusteeship the basic objectives of which are set forth in article 76 of the Charter;

(ii) pointing out that, of the three categories of territories to which the trusteeship system applies which are defined in article 77 two are for the time being uncertain *viz.*, territories which may be detached from enemy states as a result of the second world war and territories voluntarily placed under the system by states responsible for their administration and that, therefore, immediate action can be taken only in respect of the remaining category, *viz.*, territories under Mandate;

(iii) inviting the states administering territories under the League of Nations Mandate to undertake practical steps, in concert with the other states directly concerned, for the implementation of article 79 of the Charter, read with article 80—*i.e.*, to submit draft agreements embodying terms of trusteeship for each territory to be placed under the system preferably not later than during the second part of the First Session of the General Assembly

The draft resolution adds that "these trusteeship matters" which will be taken up at the first Session for the purpose of expediting the establishment of the trusteeship system will be considered by the Trusteeship Committee of the

General Assembly using the methods which the General Assembly considers most appropriate for the further consideration of "these matters." The draft resolution specially emphasizes the fact that the Trusteeship Council cannot be established until the trusteeship agreements are concluded for territories under mandate and that for this the co-operation of the members of the United Nations now administering the territories under mandates is essential.

The Preparatory Commission also submitted to the General Assembly provisional rules of procedure for the Trusteeship Council when established.

Before this draft resolution came up for consideration by the Trusteeship Committee and the General Assembly, Powers administering mandated territories made statements, in the course of the general debate at the commencement of the First Session of the General Assembly, in regard to the placing of the mandated territories under Trusteeship. On the 17th January Mr. Bevin said: "We have decided to enter forthwith into negotiations for placing Tanganyika, the Cameroons and Togoland, under the Trusteeship system. Preliminary negotiations have already started. I must make it clear that our willingness to place these territories under the Trusteeship system naturally depends upon our being able to negotiate terms which in our view are generally satisfactory and which achieve the objectives of the Charter and are in the best interests of the inhabitants of the territories concerned." He added that the U. K. Government had to await the report of the Anglo-American Committee of Enquiry before putting forward any proposals regarding the future of Palestine. "Regarding the future of Transjordan, it is the intention of H. M.'s Government in the U. K. to take steps in the near future for establishing this territory as a sovereign independent state and for recognising it as such. In these circumstances the question of Transjordan, going under trusteeship does not therefore arise."

On the 18th January Mr. Makin on behalf of Australia made a similar declaration:

"The Australian Government, mindful of the obligations which the Charter imposes on all members of the United Nations administering non-self-governing territories and conscious of its responsibilities as a trustee for the peoples of the mandated territories administered by it under the Covenant of the League of Nations, announces its intention of negotiating an appropriate trusteeship agreement with a view to bringing the mandated territory of New Guinea under the international trusteeship system contemplated by chapters XII and XIII of the United Nations Charter. At the same time, it announces a similar intention in regard to the territory of Nauru. Both the United Kingdom and the New Zealand Governments, with whom Australia shares this mandate, concur in this course of action."

The Prime Minister of New Zealand stated:—

"On behalf of the Government, I repeat what I announced in New Zealand four weeks ago, that the New Zealand Government is prepared to place under trusteeship the country known as Western Samoa, for which a mandate was conferred in 1920 upon His Britannic Majesty to be exercised on his behalf by the Government of the Dominion of New Zealand.

We shall in due course, submit for the approval of the United Nations, in accordance with Article 79 of the Charter, a Trusteeship Agreement in respect of this territory. We shall then be ready to take our place on the Trusteeship Council."

Belgium announced her intention "to start negotiations immediately with a view to placing under trusteeship the territory of Ruanda-Urundi, the administration of which was entrusted to her in 1919 under a mandate conferred by the Principal Allied and Associated Powers and confirmed by the League of Nations. In order to carry out this intention the Belgian Government has already prepared a draft agreement to the effect that in accordance with Chapters XII and XIII of the Charter, Belgium will exercise trusteeship over the territory she now administers under mandate."

The declaration by France in regard to her mandated territories was as follows:—

“For twenty-five years the French Government has administered these territories in conformity with the spirit and also with the letter of the mandate conferred upon it by the Council of the League of Nations. It has used its best endeavours to acclimatize methods of co-operation with the population. Togo and the Cameroons recently appointed by democratic elections representatives to the French Constituent Assembly and in the first months of this year their inhabitants will be electing a local representative assembly through the same medium of free election.

“The French Government intends to carry on with the work entrusted to it by the League of Nations. Believing further that it is in the spirit of the Charter that this work should henceforward be carried on under trusteeship arrangements, it is prepared to study the terms by which these arrangements could be defined in the case of Togo and the Cameroons on the understanding, however, that this shall not entail for the populations concerned any diminution in the rights which they already enjoy by reason of their integration into the French community, and further that these agreements will be submitted for approval to the representative organs of these populations”.

In regard to the mandated territory of German S. W. Africa, the delegate of South Africa pointed out that this territory was surrounded on all sides by South Africa and had been used in the first world war as a springboard for an attack on the Union and defined the position of his Government in the following terms:—

“Under these circumstances the Union Government considers that it is incumbent upon it, as indeed upon all other mandatory powers, to consult the people of the mandated territory regarding the form which their own future government should take since they are the people chiefly concerned. Arrangements are now in train for such consultations to take place and until they have been concluded the South African Government must reserve its position concerning the future of the mandate, together with its right of full liberty of action, as provided for in paragraph 1 of Article 80 of the Charter.

“From what I have said I hope it will be clear that South West Africa occupies a special position in relation to the Union which differentiates that territory from any other C mandate. This special position should be given full consideration in determining the future status of the territory. South Africa is nevertheless properly conscious of her obligations under the Charter. I can give every assurance that any decision taken in regard to the future of the mandate will be characterised by a full sense of our responsibility, as a signatory of the Charter, to implement its provisions, in consultation with and with the approval of the local inhabitants, in the manner best suited to the promotion of their material and moral well-being.”

The Trusteeship Committee had these declarations before it when it began its sittings. At the outset, the U. S. A. and Australian delegations urged that, in view of the great importance of Chapter XI of the Charter regarding territories “whose peoples have not yet attained a full measure of self government” (not under trusteeship) the resolution of the General Assembly should include a reference to the obligations under article 73 assumed by the Members of the United Nations who have responsibilities for the administration of such territories. These obligations, it was pointed out, were not in any way contingent “upon the conclusion of trusteeship agreements or upon the bringing into being of the Trusteeship Council” but were already in force. This view was supported by India. Sir V. T. Krishnamachari said that a recent estimate had shown that there were 260 million people in these territories and that it would be appropriate for the General Assembly to include a reference to them in the resolution. He also supported a proposal made by the Delegate for China that the Secretary General should include in the annual report submitted by him under

article 98, a summary of the information relating to economic, social and educational conditions in these territories submitted under article 73(e) of the Charter by the Members of the United Nations administering them.

The question of mandated territories was next taken up. The mandatory powers repeated in the Committee the declaration they had previously made. There were adverse comments on the declarations made by France and South Africa. The lead was taken by Mr. Peter Fraser (New Zealand). He asked for a clarification of the position taken up by these countries. He said it had been made clear at San Francisco that all mandated territories should be placed under trusteeship and that it was not for the Trusteeship Council after these territories had come under trusteeship, to ascertain the wishes of the peoples concerned "if the question arose of attaching a mandated area to the territories of the mandatory power". He appealed to France and South Africa to change their attitude and follow the example set by the United Kingdom and Australia. The Delegate for Syria also attacked the position taken up by France. He said that what France proposed appeared to be a unilateral act of annexation contrary to the Charter. The Delegate for France made what he called a "reaffirmation" of the position of his Government—that "it intends to carry on the work entrusted to it by the League of Nations. Believing further that it is in the spirit of the Charter that this work should henceforward be carried on under trusteeship arrangements, it is prepared to study the terms by which these arrangements could be defined in the case of Togo and the Cameroons. France having signed the Charter would respect the letter and spirit of the document". The Delegate for South Africa also made a further explanation. In his view, the Charter did not make the transfer of mandates to trusteeship obligatory. He referred to the special relationship between the Union and the mandated area and the resolution of the legislature of S. W. Africa calling for amalgamation into the Union. "There would be no attempt to draw up an agreement until the freely expressed will of both the European and the native population was ascertained. When that will was ascertained, the decision of the Union would be submitted to the General Assembly for judgement". In the course of the general debate Sir V. T. Krishnamachari defined the attitude of the Indian delegation. He said that in the considered view of the delegation "it was obligatory under the Charter for mandatory powers to enter into negotiations for trusteeship agreements in respect of the territories under mandate. He associated himself entirely with the views expressed by Mr. Peter Fraser (New Zealand). The fundamental conceptions underlying the mandates system and the trusteeship system were identical. Under both systems, the territories concerned were not the territories of the mandatory or trustee power nor were the people the subjects of such power: the territories were held in trust for the world authority. Under both systems, the administration was conducted on behalf of and under the world organisation and on broad lines approved by it. Finally, under both systems it was for the world authority to decide on the ultimate political destiny of the people in these areas after ascertaining their wishes. On the other hand the Trusteeship system was not so rigid as the scheme of mandate in the Covenant as it did not reproduce the old classification of the mandates into three classes A, B and C. It recognised the varying circumstances of the different mandated areas and it was possible to insert special provisions in trusteeship agreements to suit conditions in individual territories. There would thus be no practical difficulty in negotiating and concluding trusteeship agreements to replace the mandates. He therefore hoped that all mandated territories would come under trusteeship at a very early date. To the people of Asia and Africa, the manner in which the obligations contained in these Chapters were implemented would constitute the supreme test of the faith of the United Nations in the high ideals of the Charter."

Under article 79 "The terms of trusteeship for each territory to be placed under the trusteeship system shall be agreed upon by the States directly concerned, including the mandatory power in the case of territories held under mandate by a member of the United Nations." The Delegates of Syria, Iraq and Egypt contended that, in order to expedite trusteeship agreements, the

General Assembly should define the expression 'states directly concerned'. The Iraq delegation, in an amendment suggested "that among the prime and principal considerations for determining whether a state is directly concerned are the following:—

(i) neighbourship and geographic adjacency of a state to the territory in question;

(ii) linguistic, cultural, economic, social and historical ties between a state and a territory in question".

As "these considerations were not exhaustive", the Iraq delegation also proposed that

(i) a state proposing to negotiate a trusteeship agreement should notify its intention to the Secretary General mentioning at the same time the names of the "States directly concerned" with which it proposes to negotiate;

(ii) the Secretary General should communicate this notification to all members of the United Nations;

(iii) a member claiming to be directly concerned who has been left out may ask that it shall be permitted to participate in the negotiation;

(iv) if this claim be not accepted by the state concerned, the Member may bring the matter before the General Assembly.

Canada also proposed an amendment on the same lines as the second part of the Iraq amendment. In the discussions, the view was generally expressed that:—

(i) it was quite unnecessary at this stage to define the expression 'states directly concerned';

(ii) the Charter did not confer on the General Assembly any power to specify at the stage of the negotiation of trusteeship agreements, the states directly concerned in regard to any such agreement nor did the Charter contemplate the issuing of any general instructions in this respect by the Assembly; and

(iii) the procedure proposed by Canada and Iraq was too elaborate and would delay the conclusion of agreements. India specifically supported the position (iii) above.

Amendments to the draft resolution of the Preparatory Commission having been submitted by the delegations of Australia, Belgium, Canada, China, India, Iraq, Netherlands and the U.S.A. a sub-committee was appointed to consider all of them and propose an agreed draft resolution covering Chapters XI, XII and XIII for being placed before the General Assembly. The draft resolution prepared by this sub-Committee was accepted by the Committee, though it did not entirely meet the views of some delegations.

The Committee decided that the provisional rules of procedure submitted by the Preparatory Commission should be forwarded to the Secretary-General for the use of the Trusteeship Council when established.

The General Assembly accepted the resolution unanimously at its sitting on the 9th February. The resolution as accepted by the General Assembly is attached. (Appendix 'D').

CHAPTER V

FIFTH COMMITTEE.—*Administrative and Budgetary*

The first meeting of the Fifth Committee was held on the 11th January, 1946, and Mr. Fairs al Khoury (Syria) was elected Chairman. At the second meeting Mr. Bebler (Yugoslavia) was elected Vice-Chairman and Mr. T. Agnides (Greece) was appointed Rapporteur.

Mr Ikramullah attended the meetings of this Committee throughout and as a result of his participation in the discussion was invited in his personal capacity by the Chairman of the Advisory Group of Experts to join the panel

of consultants. In this capacity he attended all the private meetings of the panel which preceded the meetings of the Advisory Group and the meetings of the Fifth Committee and took an active part in the discussion and the drafting of proposals which were eventually submitted to the main Committee. His experience of administrative matters obviously proved very useful to the panel and he was able to make many suggestions which were adopted by the Advisory Group of Experts and presented to the Committee as their proposals. He was particularly successful in bringing to the notice of the Committee the special conditions prevailing in the Eastern Zone and was thereby able to get the pensionary benefits and leave and travel conditions made more suitable to Eastern conditions.

The main work of the Committee was to consider Chapters 8 and 9 of the Preparatory Commission's report together with appendices 4, 5A, and 5B. A provisional agenda suggested by the Secretariat was adopted after some discussion and the first item to be considered was the salary of the Secretary General.

The Chairman said that the Committee had been asked to make a very early recommendation and suggested the appointment of a small Sub-Committee to go into the question. The Chairman of the Sub-Committee was to be Senator Vandenberg (U.S.A.). At the next meeting, the report of the Sub-Committee was received. It contained the following recommendation:—

"The Secretary General should receive a salary of an amount sufficient to bring him in a net sum of \$20,000 U.S. together with a representation allowance of \$20,000 U.S. per annum. In addition he should be provided with a furnished residence, the repairs and the maintenance of which excluding provision of house-hold staff should be borne by the Organisation."

After a brief explanation from the Chairman of the Sub-Committee this recommendation was approved by the Committee unanimously. The Committee also agreed that the Secretary General should be appointed for five years, the appointment being open at the end of that period for a further term of five years.

The question of the salary and allowances of the Assistant Secretary General and directors was also referred to the Sub-Committee and their recommendations were as follows:—

(1) An Assistant Secretary General should receive a net salary of \$13,500 together with an allowance of \$7,500—\$11,500 at the Secretary General's discretion.

(2) A top ranking director should receive a net salary of \$11,000 together with an allowance of \$3,000 to \$6,000 at the Secretary General's discretion.

(3) The allowances mentioned above should include all representation (including hospitality), housing, education and children's allowances for these posts, but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or termination of appointment with the Organisation; official travel; and home leave travel. These proposals were accepted unanimously.

A proposal made by the Advisory Group of Experts regarding tax-equalisation gave rise to a lengthy discussion. Senator Vandenberg, the Chairman of the Sub-Committee submitted a report to the effect "that the Sub-Committee believes that there is no alternative to the proposition that tax-exemption for U.N.O. salaries is indispensable to equity among its member nations and equality amongst its personnel." He recommended "that pending this accomplishment the budget should carry a contingent appropriation to equalise tax payments". He further recommended that the matter may be left to the Secretary General for consideration and report.

Senator Vandenberg maintained that the U.S. Government was totally opposed to tax-exemption of its nationals. He was personally convinced that it was necessary but he was averse to the Committee forcing the hands of the U.S. Government. The majority of the Delegates who took part in the dis-

cussion advocated complete exemption from taxation and pointed out that the officials of the League of Nations and other international bodies in different parts of the world were enjoying this privilege. They felt that the U.N.O. should not take a retrograde step in this matter. During the discussion it was pointed out by some Delegates that this privilege is a double-edged weapon. Some of the people who enjoyed it would much rather pay the taxation than be taunted by all and sundry as the people who did not contribute for the national services etc., of their country. They therefore advocated a system of tax-equalisation by means of grants from the United Nations to the individuals in proportion to the taxes paid by him. It was further proposed that the nations which recovered such taxation should in their turn pay such an equivalent sum to the funds of the United Nations. It was also suggested by some Delegates that the United Nations should reserve the right to impose taxes on their own personnel. All these various points were debated threadbare and eventually it was decided that while the principle of tax-exemption should be accepted, the United Nations should provide funds for tax-equalisation until this question had been finally settled by negotiations with the States concerned.

Section 1 of Chapter 8 deals mainly with the administrative structure of the Secretariat. The principle that should govern recruitment, promotion, classification, salaries, etc., were adopted by the Committee with a few drafting changes and referred to the General Assembly. So was Section II of the Chapter which contains a great deal of explanatory matter for the use and assistance of the Secretary General. Section 3 of Chapter 8 dealing with provisional Staff regulations was adopted practically without change. Two minor amendments were made and two new regulations dealing with retirement and indemnities were added. Provisional Staff regulations (Section 4 Chapter 8) were not considered in substance by the Fifth Committee as they are intended to be entirely within the discretion of the Secretary General. A Canadian amendment on the subject was also referred to the Secretary General.

The recommendations regarding the Technical Advisory Committee on Information gave rise to much discussion and while it was agreed that the United Nations could not function properly unless the nations of the world were fully informed of its aims and activities. A number of Delegates urged that great care should be taken lest information developed into propaganda. It was also felt by some that unless these activities were administered with care they were likely to expand and involve expenditure out of all proportion to their real importance. Some Delegates suggested that the United Nations should make use of existing Governmental and non-Governmental agencies in different countries rather than establishing their own rival services. This proposal was opposed strongly by the Delegate from Ukraine who feared that the utilisation of the national agencies might result in distortion of the information provided by the United Nations. The Russian Delegate while expressing general agreement with the recommendations as a whole made a reservation with regard to the proposal that the Department ought to be informed and should consider the establishment of branch offices at the earliest possible dates. The proposals were however adopted with the proviso that a summary of the debates should also be referred to the General Assembly.

The question of children's allowances was considered and the recommendation of the Advisory Group of Experts was accepted without change. These allowances covered both children's as well as their education allowances.

One of the most difficult questions which the Committee was called upon to consider was regarding the establishment of a provisional retirement scheme. The proposals of the Advisory Group were adopted by the Committee after a great deal of discussion and it was agreed that further recommendations should be submitted by the Secretary General to the second part of the first Session. The retirement scheme was to be introduced from the 1st January 1947. During the discussion a number of other suggestions were made. For

instance the Delegate for Belgium suggested that the retirement benefit should be on the basis of 1/50 of the average salary for each year of service instead of 1/60 as proposed by the Advisory Group and that pensioners should be given the option to commute their pensions. The Canadian Delegate suggested the setting up of a separate insurance agency to administer the United Nations Retirement Fund. The Committee felt that these were very technical matters and should be left to the Secretary General for examination and report to the Second Session of the General Assembly. As a special case, however, it was agreed that the first Secretary General should be given an annual retiring allowance of half of his net salary excluding allowances provided he completed his term with the United Nations. In the event of his serving for a shorter term than five years the retirement allowance should be readjusted downwards.

The Committee further recommended that pending the adoption of the permanent schemes the Secretary General should be authorised to make suitable arrangements to indemnify members of the Staff who were obliged to discontinue employment as a result of illness or accident directly attributable to service with the Organisation or to pay an indemnity to the Staff member's estate should he die in such circumstances.

It may be mentioned here that principal units of the Secretariat would be the following:

- (a) Department of Security Council Affairs.
- (b) Department of Economic Affairs.
- (c) Department of Social Affairs.
- (d) Department of Trusteeship and information from non-self-governing territories.
- (e) Department of Public Information.
- (f) Legal Department.
- (g) Conference and General Service.
- (h) Administrative and Financial Services.

The main feature of the budgetary and financial arrangements are the creation .

- (1) of a Working Capital Fund and
- (2) the preparation of the provisional budget of the United Nations for the period ending 31st December 1946.

With regard to the creation of a Working Capital Fund the proposals of the Advisory Committee were accepted by the Committee after a great deal of discussion. It was agreed to create a working capital fund of \$25,000,000 to be administered by the Secretary General. The Working Capital Fund was to be utilised—

- (a) initially to meet the expenditure of the provisional budget, and
- (b) after the permanent amount of the Fund had been established by the General Assembly at the September Session to provide monies to meet expenditure voted by the General Assembly and to provide adequate cash reserves against the receipt of the contributions of members who might not be able to remit their contributions when requested due to legislative delays and other financial problems.

The advance which each Member makes will be carried as a credit to the Member. Any amounts offset against the Member's annual contribution or Member's contributions to the Capital Budget for the permanent headquarters site and buildings would be in proportion to each Member's advance. For the basis of contribution to the Working Capital Fund, it was agreed that the mean between the first and second F.A.O. years duly adjusted on account of the admission of new Members to the United Nations should be adopted. It was agreed that this basis would be treated as provisional and would not form a

precedent in the adoption of the permanent basis of contributions. Appendix E, contains a table showing how the Working Capital Fund has been allocated between the different Members.

The provisional budget proposed by the Advisory Group of Experts was discussed at considerable length. It was felt by a number of Delegates, particularly the Russian that the proposed expenditure was extremely heavy and should be cut down. The Australian Delegate was heard to whisper that if he knew how expensive it would be to have the seat of the United Nations in the U.S.A. he would not have voted for it. A number of amendments were moved and eventually the provisional budget was fixed at 21½ million dollars. When the General Assembly passes its first annual budget in its September Session, the provisional budget will be replaced by the first annual budget. It is also expected that the General Assembly will also adopt the second annual budget for the calendar year 1947, in its September session. Contributions against it will be called after the 1st January 1947. It is not expected that either the first or second annual budgets will include any expenditure in connection with buildings etc.

Two important changes were made to the provisional rules of procedure. The Preparatory Commission had recommended that the Advisory Committee on Administrative and budgetary questions should consist of seven members. It had further recommended that the Committee on contributions should also consist of seven members. Fifth Committee, however, after some discussion enlarged the membership of the Advisory Committee on administrative and budgetary questions to 9 and the membership of the Committee on Contributions to 10. The pertinent rules regarding these Committees are 37 and 40 of the Principal Rules of Procedure and J.M. and K. in the Supplementary Rules.

As the time was pressing the Committee further decided to recommend 10 names to the General Assembly for the Committee on contributions. Mr. Ikramullah supported by the Delegates for Belgium and U.S.S.R. pointed out the irregularity of procedure and said that under the rules it was the business of the General Assembly to elect the members. There was a great deal of discussion but eventually the Committee agreed to send in 10 names and in fact enlarged the size of the Committee referred to above to meet the situation.

The report of the Committee was presented by the Rapporteur Mr. Aghnides to the General Assembly and was considered at its 31st Plenary Meeting. All the various papers were adopted by the Assembly without any discussion including the one about the selection of members to the Committee on Contributions.

CHAPTER VI

SIXTH COMMITTEE.—*Legal*

Sir V. T. Krishnamachari and Sir John Bartley were India's representatives on this Committee. Sir V. T. Krishnamachari was, however, so much occupied with Fourth Committee (Trusteeship) and other Committees that work in sixth Committee was mainly attended to by Sir John Bartley.

The Committee finished its work in twelve meetings. At its first meeting on 11th January, Mr. Roberto Jimenez (Panama) was elected Chairman. He proved to be businesslike and competent.

The Committee dealt with four heads of business:—

I. Proposals relating to the Rules of Procedure—

- (a) composition and powers of the General Committee;
- (b) provision for open nominations before elections by secret ballot;
- (c) expansion of supplementary rule T, as to the subjects on which the Economic and Social Council might convene international conferences;

(d) determination of term of office of Members of the various Councils elected for terms expressed in years in January 1946.

II. Privileges and Immunities to be enjoyed by—

- (a) the Organization, its members and officers;
- (b) the International Court of Justice, its Judges and staff;
- (c) Specialised Agencies.

III. Steps necessary to bring the International Court into being, and the emoluments of the Judges.

IV. Registration of Treaties and International Agreements.

1. *Proposals affecting Rules of Procedure*

At its second meeting on 15th January, the Committee began consideration of three proposals affecting the Rules of Procedure:—

(a) a proposal by Cuba, pertaining to the composition and powers of the General Committee, inspired by fear that a General Committee of limited numbers might exercise undue power and perhaps decide questions of political moment;

(b) a proposal by the Ukraine for the introduction of a system of open nominations in the Assembly before proceeding to the secret ballot provided in the Charter for elections to the various organs;

(c) a proposal by Ecuador to expand the list of subjects cited in Supplementary Rule T, as examples of the matters on which the Economic and Social Council might convene International Conferences.

All these matters were referred on 15th January, to a Sub-Committee, which reported to the Committee on 21st January.

(a) *Cuban proposal*.—Cuba had proposed a General Committee of all Members of the United Nations having a second smaller Executive Committee of 15 Members, or alternatively, provisions prohibiting immediate re-election to the General Committee, providing for attendance at the General Committee of any Member State which had proposed a matter for inclusion in the agenda of the General Assembly, and limiting the nature of the decisions which might be taken by the General Committee.

The more sweeping proposal of Cuba for a full Committee with a small Executive Committee was dropped. The Sub-Committee recommended and the Committee endorsed acceptance of a provision supplementary rule 33 implementing the Cuban proposal for attendance, without power of voting, at the General Committee of any Member State which had requested the inclusion of an item in the agenda. It further recommended the addition of a provision prohibiting the General Committee from deciding any political question. Though this recommendation was opposed by the U.S.S.R. the U.S.A. and the U.K. on the ground that the vagueness of the term "political question" would encourage obstructionist tactics, and that it was already established that the functions of the General Committee were confined to matters of procedure, it was accepted by the Committee by 32 votes to 14, India voting with the minority. A subsequent effort by U.S.S.R. to have the matter reopened by an amendment prohibiting decisions on "important political questions without reference to the General Assembly" was discouraged and was not pursued. The Assembly in Plenary Session accepted the Committee's recommendation.

(b) *Ukraine proposal*.—The Sub-Committee reported in favour of the Ukraine proposal for nominations and provided a draft of the necessary rules for the purpose based on a draft put forward by Sir Hartley Shawcross. In the Committee an unexpected result emerged. Lebanon had unsuccessfully proposed in the Sub-Committee that instead of such provisions there should be a simple addition to Rule 73 prohibiting nominations, the possibility of which rested on the absence from the rules of any such prohibition. Lebanon revived

this proposal in the Committee. The Ukraine retorted by indicating its dissatisfaction with the draft rules of the Sub-Committee for not extending the system of nominations to elections of States as well as elections of individuals. A vote was taken on the Lebanon proposal, without, perhaps any real expectation that it would be carried. It was, however, carried by 22 votes to 21, Australia, Canada, India, New Zealand and South Africa voting with the five sponsoring powers in the minority. The General Assembly subsequently accepted the Committee's decision on the matter, despite an effort by Mr. Manuilsky (Ukraine) to have the matter reopened by a reference back to the Committee.

(c) *Ecuador proposal*.—On the Ecuadorian proposal the Sub-Committee had refused to commit itself to a recommendation of any sort. The Committee considered the possibility of omitting from supplementary rule T, the two lines specifying by way of example two items—to which Ecuador wished a third added—as matters suitable for International Conferences. From the technical point of view this would have been a satisfactory solution, and was proposed by the U.S.A. which had been responsible for the original wording. It was felt, however, that the original wording represented a political decision, and that this Legal Committee should be chary of undoing it. The Committee declined to omit the words by a vote of 22 to 13, India voting in the minority with Canada, New Zealand and all the sponsoring powers except China. The Ecuadorian proposal to insert mention of "the equitable adjustment of prices in the international market" in supplementary rule T, was then accepted.

Subsequently, when the matter was brought before the General Assembly on 29th January, it was found that a further modification of rule T, which had not been authorised by the Committee, had, whether intentionally or inadvertently, been incorporated in the English text of the recommendation put forward by the President for vote. This unauthorised change substituting "in particular" for the less emphatic "including" was challenged by the Canadian delegate, Mr. Read. The President cited the French text as authority for the altered wording. The Assembly accepted the Committee's proposal in this form.

(d) *Term of office of elected Members of Councils*.—A subsequent proposal by Egypt for amendment of rule 78 and subsidiary rule S, in which the term of office of members of the various Councils is defined, was referred by the Committee to a Sub-Committee on 24th January, and proved a thorny question. Egypt contended, and it was in fact generally admitted that these rules, providing as they do that members elected in this January session of the Assembly would cease to hold office on the election in the subsequent session of members to succeed them and thereby reducing the term of office of the first elected members to a period of 8 months if elected for one year and curtailing to a substantial extent the terms of those elected for the longer periods of two, three or four years—were in conflict with articles 23, 61 and 86 of the Charter. Egypt proposed to revise these rules to allow the full periods, expressed in the Charter in years, to all members elected in this January Session. The result would be that new members elected next September, if elections should then take place, would not enter on their office until four months or so after the date on which they were elected, and this lag would be perpetuated. A strict legalistic adherence to the Charter left no choice between this result and an amendment of the Charter. The Sub-Committee accepted the arguments of those who advocated the sacrifice of legalistic nicety to grounds of practical convenience and rejected the Egyptian proposal in favour of maintaining Rule 78, with a small change in Rule 77, specifying that elections were to be made at the regular annual session of the Assembly. The Sub-Committee felt that the Assembly itself rather than the Committee should tackle the problem of reconciling the abbreviated tenures of members elected in January 1946, with the requirements of the Charter.

The Sub-Committee's report presented to the Committee on 5th February gave little help to the Committee in solving the problem. The legalistic view was again strongly stressed, and Sir Hartley Shawcross's plea for a certain laxity in favour of convenience got little support. The Committee accepted the Egyptian proposals by 26 votes to 16, and 27 votes to 15, thereby annulling supplementary Rule S, which terminated the tenure of office of elected members on the day of the subsequent election, and giving effect by a revised rule 78 to the provisions of the Charter that gave any such member a term of office measured in complete years.

When the matter came before the General Assembly on 10th February it had already been decided that the September meeting would be a continuation of the first, i.e., January Session and not a new Session. The legality of a second election in this one Session was more than questionable. Sir Hartley Shawcross accordingly proposed that there should be no elections in September, and that the term of office of members elected in January 1946, should be extended until the elections in September 1947. Egypt, which had contested so hotly the reduction of the term of office from one year to eight months was apparently willing to abandon its legalistic objections if the term of office was to be thus extended by eight months. Mr. Fraser (New Zealand) sought to have the Committee proposal replaced by one making possible new, and as it were, special elections held in September 1946. Ultimately the General Assembly rejected by 22 votes to 21 that portion of the Committee's recommendation establishing the new rule 78 proposed by Egypt, the effect being as the President explained that all members of Councils who had been elected in January for one year would actually have a term of office of twenty months. It was doubtful if this was the precise effect the General Assembly had aimed at producing. It ultimately referred the question of tenure of office in the circumstances which had arisen to the General Committee, which offered to the Assembly a proposition designed to obtain the decision of the Assembly on the point at issue. The proposition was that the term of office of members elected in January 1946, should be twenty months, New Zealand proposing an amendment thereto substituting 'twelve' for 'twenty'. The New Zealand amendment was accepted, so that ultimately the effect produced was that aimed at in the first instance by the Egyptian proposal. New elections are to be held in September at what is now to be not a new Session but the second part of the first regular Session, and the Secretary General is instructed to report at the opening of the adjourned session which, if any, rules he considers necessary to give effect to the decision arrived at.

II (a).—*Privileges and Immunities*

The Committee first addressed itself to the question whether the Assembly should be advised to proceed to implement Article 105, (which deals with the privileges and immunities to be enjoyed by the Organisation and its members and officials in the territory of each member), of the Charter by proposing a general convention for adoption by the member states or should proceed by means of recommendations. The question had been left unsettled during the Preparatory Commission, but a convention had been drafted under the aegis of another committee to define the organisation's relations with the host state, and the Legal Committee had sketched a draft general convention for submission as a working paper. The Committee recommended the procedure of adopting a general convention. In the meantime both the special convention applicable to the host state and the general convention had been further revised by an interim committee of jurists, though it was recognised that the former could not yet be given a final form as it must be the subject of later agreement between the Organisation and the United States of America.

The Committee submitted to the General Assembly and the General Assembly approved the text of a general convention for the purpose indicated. It had been discussed in detail by the Committee, where certain States includ-

ing the U.S.A., the U.S.S.R. and others made reservations on the subject of exemption from taxation and exemption from military service, while the U.K. delegate stressed the desirability of a uniform acceptance by all states of these as well as of all other stipulations in the convention. Certain matters considered unsuitable for inclusion in the convention, such as the preservation of accrued pension rights of officials taken into the service of the Organisation, and the operation of immunity privileges on liability incurred through motoring accidents were made the subject of recommendations for special resolutions to be passed by the Assembly. The privileges and immunities to be enjoyed by the International Court and the agents counsel and advocates of parties before the Court were dealt with by advising the Assembly to retain for the time being the arrangements in force in respect of the Permanent Court of International Justice until the International Court itself should have time to make recommendations, and a recommendation concerning the specialised agencies counselled that the Secretary General should be instructed to open negotiations to have the existing instruments by which these are defined co-ordinated with the terms of the general convention, this letter being as a general rule regarded as a statement of a maximum within which the specialised agencies should enjoy such privileges and immunities as the appropriate fulfilment of these respective functions might require.

(b) *Convening of International Court and salary of Judges.*—In dealing with the International Court the Committee, basing its action on a memorandum submitted by the Secretariat readily agreed upon a recommendation to the General Assembly to authorise the Secretary General to take the necessary steps to convene the Court once the Judges had been elected; and, guided by its own sub-committee sitting jointly with a sub-committee of the Budgetary Committee, recommended that the salaries of the Judges should be kept at the 1936-1939 level of the salaries enjoyed by judges of the old Permanent Court of International Justice, due allowance for the subsequent decrease in the purchasing power of the Dutch florin being made by a 20 per cent addition. It added a recommendation to the General Assembly to entrust the Secretary General with the task of working out a pension plan for the Judges, Registrar and Staff of the Court for later submission to the General Assembly.

(c) *Registration of Treaties and International Agreements.*—The Committees work in connection with the Registration of Treaties and International Agreements would have been comparatively simple but for the obstinate determination of Panama that Franco's Spanish Government should in no way be countenanced. The Secretariat provided a draft of a recommendation to be put forward by the Committee which included a reference to the action already taken during the sitting of the Preparatory Commission to invite Member States to submit treaties and agreements for provisional acceptance with a view to registration and went on to propose the extension to non-member states of an invitation to furnish their treaties and agreements for filing and publication, including, at least for the purpose of publication, treaties and agreements made before the Charter came into force which had not been included in the League of Nations series. The refusal of Panama to accept the draft unless it included words indicating that Franco's Government would not be so invited necessitated a complicated redraft on which a prolonged debate developed. The Ukraine sought to have the epithet 'Peace-loving' introduced to qualify the non-member states entitled to an invitation: Panama opposed this word and favoured some such formula as 'governments set up with the support of an aggressor Power'. India attempted to suggest a formula avoiding both phrases by a reference back to the principle embodied in the preamble of the resolution. The suggestion of Sir Hartley Shawcross that instead of being empowered to invite non-member states to submit their engagements the Secretary General should be merely empowered to receive them was accepted unanimously as a reasonable solution of the problem. This solution was completely successful, for the Assembly adopted the report without any further discussion.

CHAPTER VII.

THE PERMANENT HEADQUARTERS COMMITTEE.

The Preparatory Commission had set up an Interim Committee to visit the U.S.A. and select for approval six sites on the East Coast which would be suitable for the permanent headquarters according to the criteria laid down by the Commission and also to propose a provisional headquarters for the United Nations Organisation. The Committee toured in the U.S.A. and after prolonged and detailed investigation recommended—

(i) that the permanent headquarters should be located near the New York City in the North-Stamford—Greenwich district;

(ii) that the provisional headquarters should be the New York City.

The report gave complete information regarding the site, the facilities available etc.

Opposition to the recommendations was led by the delegate for Australia. He said that—

(i) the Interim Committee had reported on two sites and recommended one, though it had been asked to report on six areas;

(ii) no examination had been made of all the sites on the basis of the criteria set up and data available; and

(iii) the site chosen was not the best possible because of its climate and the high cost of acquisition. The prevalence of power-politics in New York and the fact that being in a zone so near a huge city, the seat of U.N.O. could not develop a distinctive life of its own were also strong objections.

The Arab countries joined in the opposition; they had in mind the influence of Jewish organisations in New York on the Palestine issue. The United Kingdom, China and the U.S.S.R. supported the recommendations of the group. The Delegate for France was not in favour of an immediate decision being taken. He thought the question needed further study. The objection to the site was its high cost and the protests received from interests affected. He doubted whether New York and its environs provided the right sort of atmosphere for the headquarters. The question should be studied further by the Secretary General with the help of an *ad hoc* Committee.

France submitted its recommendation in the form of an amendment. This suggested the postponement of a decision on the choice of the permanent seat to enable the Interim Committee to undertake further investigations, examining other sites offered. It also instructed the Secretary General to arrange for the provisional seat of the organisation in consultation with the General Assembly and if need be with the Governments of the United Nations, before he signed any agreements with the American authorities. Canada spoke strongly in favour of the Interim Committee's recommendation.

The Netherlands Delegate proposed that the question of the permanent headquarters should be decided first. He submitted a resolution that the Interim Committee's report should be accepted subject to the following reservations:—

(a) That the Planning Commission (proposed by the Preparatory Commission) should proceed to the area and carry out investigations and make proposals as regards the exact location within the area specified.

(b) That the Planning Commission should draw up plans on the assumption that the United Nations would acquire—

(i) 2 square miles.

(ii) 5 square miles.

(iii) 10 square miles.

(iv) 20 square miles.

(v) 40 square miles.

with details of cost of acquiring the land and buildings within the area.

(c) That the Planning Commission should ascertain what measures the federal, state and county authorities were prepared to take in order to control development in the area adjacent to the zone.

(d) That, on the basis of the information thus provided, the next meeting of the General Assembly should make a final decision as to (i) the exact area acquired and (ii) the exact location.

The Delegates of New Zealand and India (Sir Ramaswami Mudaliar) supported this as also the Rapporteur of the Committee (Mr. Gavrilovic of Yugoslavia).

The French amendment was put to the vote. 19 voted for it and 19 against it and 3 abstained. The Chairman declared that as the amendment had not received a majority of the votes it had not been carried. The French Delegate contested this. He said that under rule 76, if a vote was equally divided on matters other than elections, a second vote should be taken at the next meeting. The Chairman said that Rule 76 was not applicable to committees (under Rule 98) and the French Delegate was entitled to refer the point to the General Committee. The meeting was adjourned at this stage.

At the next meeting, the Chairman read a letter from Mr. Spaak the President of the General Assembly agreeing with his ruling of the previous day. The French Delegate protested; it had been agreed that a ruling should be obtained from the General Committee and not from the President of the General Assembly. The Australian Delegate pointed out that under Rule 59, an appeal against the ruling of the Chairman lay to the Committee. The Committee by a vote endorsed the Chairman's ruling.

At this stage the Canadian Delegate proposed a slight amendment to the Netherlands resolution. The Delegate for Poland also suggested an amendment expressly stipulating that there should be no financial commitment till the General Assembly had given final approval. These amendments were accepted by the Netherlands Delegate. The amended resolution was supported by the Delegates for India (Sir V. T. Krishnamachari) and the Soviet Union and opposed by the Philippines, Iraq and Saudi Arabia Delegations. In the further discussions the Delegates of the United Kingdom, China, Norway, Czechoslovakia and Brazil supported the amended resolution and Denmark opposed. The discussion was closed at this stage.

The Netherlands resolution as amended was put to the vote and carried 22 voting for and 17 against, four abstaining. This decided the site of the permanent headquarters.

When the Committee met again, the Chairman communicated to it a letter from the Secretary General dated 9th February in which he said he was "somewhat disturbed by suggestions made or implied by some delegations that the responsibility for choosing either the general location of the permanent headquarters or even that of the interim headquarters should rest with him. These were matters on which he felt he must be assured of the full authorisation of the General Assembly . . .". Further, he could not recruit a Secretariat unless he could give those whom he approached some indication of where they would live and work. "He, therefore, earnestly hoped that the Committee would as soon as possible make a recommendation to the General Assembly."

At this stage, the U.S.A. Delegate stated: "that his Government would continue to be neutral on this question but would do everything in its power to co-operate whichever site was chosen. It believed that the method adopted for investigating the sites and dealing with the financial problems was a sound one."

The question of the interim site was then taken up. The Australian Delegate opposed New York and recommended San Francisco as this latter place offered much better facilities. China supported this. The Iraq Delegate sug-

gested Atlantic City but preferred San Francisco to New York. The U.K. Delegate supported the Interim Committee's report as also the delegate for New Zealand. The Secretary explained that negotiations in regard to facilities needed in New York City were being followed up by Mr. Howard R. Huston, Adviser on Interim facilities and that the Governor of New York and the Mayor had both promised their full co-operation. After other Delegates had spoken, the Australian Delegate's proposal in favour of San Francisco was voted on. 19 were for, 20 against and 3 abstained. The Interim Committee's recommendation in favour of New York was then put to the vote and carried 29 voting in favour and 13 against with one abstention. The Delegates for Australia and France suggested that as the decision of the majority was in favour of New York all countries should agree to this unanimously. This was carried and the vote was made unanimous.

The Preparatory Commission had suggested a "Planning Commission" of experts to work out the detailed proposals for the permanent and temporary headquarters. The Committee agreed with the Delegate for Canada that a committee of experts alone was not a suitable body for making recommendations in regard to the choice of the exact area for the location of the headquarters and the other issues connected with the subject and made the following recommendations to the General Assembly:—

(i) The Planning Commission should be replaced by a "Headquarters Commission" on which Governments should be represented, for carrying out the tasks entrusted to it in the resolution summarised in paragraph 5 above.

(ii) The countries on the "Headquarters Commission" should be Australia, Uruguay, China, France, Iraq, Netherlands, United Kingdom, U.S.S.R., Yugoslavia.

(iii) The Commission may be assisted by experts including planning engineers, lawyers, real estate experts, financial advisers and other appropriate experts designated by the Government of the U.S.A. at the request of the Secretary General.

(iv) The Secretary General may consult the Headquarters Commission or the experts assisting it on questions relating to the establishment of the Interim headquarters in New York City.

Authorisation was also given for incurring the expenditure involved. The Headquarters Commission was instructed to submit its report on all points referred to it to the General Assembly at the Second Part of its First Session.

The resolution of the Committee embodying all these recommendations was accepted by the General Assembly on the 14th February.

CHAPTER VIII

THE ECONOMIC AND SOCIAL COUNCIL

The first meeting of the Economic and Social Council was held at Church House, Dean's Yard, Westminster, on Wednesday the 23rd January 1946 at 5 p.m. with Mr. Gladwyn Jebb, the Executive Secretary, as the temporary Chairman. The following is the list of Member States (and their Delegates) which form the Economic and Social Council:—

Belgium	Mr. F. Dehousse
Canada	Mr. Paul Martin
Chile	Mr. G. Vergara
China	Mr. P. C. Chang
Colombia	Mr. Lleras Restrepo
Cuba	Mr. Ramiro Guerra
Czechoslovakia	Mr. Jan Masaryk

France	Mr. Paul-Boncour
Greece	Mr. Varvaressos
India	* Sir Ramaswami Mudaliar
Lebanon	Yussef Bey Salem
Norway	Mr. Finn Moe
Peru	Dr. Arca Parro
Soviet Union	Mr. Vasily A. Sergeev
Ukrainian S. S. R.	Mr. Vas'ly A. Tarasenko
United Kingdom	Mr. Noel Baker
United States of America	Mr. J. Winant
Yugoslavia	Dr. Andrija Stampar
* Alternate Delegates :	Mr. M. Ikramullah, C.I.E., I.C.S.
	Mr. M. K. Vellod, C.I.E., I.C.S.

The proceedings began with Mr. Gladwyn Jebb explaining that as the Secretary-General had not yet been appointed he had been asked by the General Assembly to preside over this meeting until the election of the President. He then called upon Sir Ramaswami Mudaliar as the Chairman of Committee 3 of the Preparatory Commission to present to the Economic and Social Council Chapter III of the Report of the Commission. After it had been done the Chairman asked the Council to consider and adopt section III of Chapter III of the Report which dealt with the provisional rules and procedure. They were adopted without discussion and the Chairman then asked for the nomination for the purpose of electing the President. Thereupon Mr. Restrepo proposed the name of Sir Ramaswami Mudaliar. In doing so he stated that the would-be President had exceptional qualifications, *viz.*, "the necessary prestige in economic and social circles; a very clear understanding of the various very complicated matters which will be dealt with by the Council; the capacity to concentrate all his attention on these problems, etc." Mr. Paul Martin (Canada) seconded the nomination and paid a tribute to the work done by Sir Ramaswami Mudaliar as the Chairman of the Committee at San Francisco and again as the Chairman of the Committee of the Preparatory Commission. As there were no other nominations Sir Ramaswami Mudaliar was elected President by acclamation.

After Sir Ramaswami Mudaliar had taken the chair, he asked for the nomination for the two Vice-Presidents. Mr. Chang (China) proposed the name of Dr. Stampar (Yugoslavia) as the first Vice-President. His nomination was supported by Mr. Winant (U. S. A.), Mr. Masaryk (Czechoslovakia), Mr. Alphand (France) and Mr. Varvaressos (Greece). For the second Vice-President, Mr. Sergeev (Soviet Union) proposed the name of Mr. Restrepo (Colombia). The nomination was supported by Mr. Bianchi (Chile), Mr. Parro (Peru) and Mr. Dehousse (Belgium). As there were no other nominations Dr. Stampar and Mr. Restrepo were both elected as Vice-Presidents by acclamation.

Altogether the Economic and Social Council held 13 meetings, the last of which was held on the 18th of February 1946. A great deal of its work, however, was done in the Committees and the Council was practically in continuous session daily for one month.

The Council was mainly concerned with carrying out the recommendations of the Preparatory Commission which were approved by the General Assembly. The scope of the Council's functions was very large and it therefore confined itself at this stage to the more urgent problems which faced it. It also decided to indicate the directions in which its future work would lie and for this purpose set up certain Commissions for the preliminary survey of such work. The Council hopes to discharge its functions through various inter-governmental organisations which are already in existence or which may be brought into existence hereafter and through sub-commissions of experts which may be constituted by the Council.

The Council has decided to set up immediately a *Commission on Human Rights* whose task will be to submit proposals for an International Bill of Rights, draft conventions on civil liberties, and particularly on the status of women and make recommendations regarding the protection of minorities and the prevention of discrimination on grounds of race, sex, language or religion. It has decided also to establish a Sub Commission to deal with the status of women in all aspects—political, legal, economic and social—so as to remove discrimination based on sex.

Initially the Commission shall consist of a nucleus of 9 members appointed in their individual capacity for a term of office expiring on the 31st March 1947. They are eligible for re-appointment. Mr. K. C. Neogy, M.L.A. is to be the representative of India on this Commission. Similarly, Mrs. Hansa Mehta will be the Indian Member of the *Sub Commission on the Status of Women*. She has also been selected in her individual capacity for a term of office expiring on the 31st March 1947 and is eligible for re-appointment.

The Council is charged with the responsibility of promoting higher standards of living and full employment and it has established an *Economic and Employment Commission* which will advise the Council on all economic questions of a general character and on economic problems requiring immediate attention from time to time. In particular problems relating to the economic reconstruction of devastated areas and other urgent economic problems arising from war will be studied by this Commission and recommendations made to the Council. It is expected that this Commission through its sub commissions will relieve the immediate situation and plan a long term economic progress leading to full employment and will prevent economic instability. The *Economic and Employment Commission* has accordingly set up three Sub Commissions as follows:—

(a) A Sub Commission on Employment to study national and international methods of promoting full employment and related problems;

(b) A Sub Commission on Balance of Payments to study and advise the Commission on balance of payments problems, especially in so far as they require solution by concerted action by Government or by more than one specialised agency;

(c) A Sub Commission on Economic Development to advise the Commission on the long term development of production and consumption throughout the world, in particular, on the methods of increasing production, productivity and levels of consumption in the less developed regions of the world and the effects of industrialisation and technological changes of world economic conditions.

The Commission has been authorized to make recommendations to the Council concerning any other Sub Commission which it consider should be established.

Like other Commissions set up by the Economic and Social Council this Commission would initially consist of a nucleus of 9 members. Unfortunately India has not been successful in securing a seat on the nucleus.

A *Temporary Social Commission* has been established to make a review of and report to the Council on the existing international organisations in the social field and to suggest what permanent machinery should be established to deal with the various social problems. This Temporary Commission will also report urgently to the Council the activities on the social field carried on by the League of Nations, which ought to be assumed by the Council. The Commission will also immediately assume, pending the establishment of more permanent machinery, the work of the League of Nations on social questions like traffic in women and children and child welfare. The main idea of the establishment of the Temporary Social Commission is to prevent a hiatus arising when the activities of the League of Nations are wound up and before the Economic Council can be fully seized of all existing activities in the social field. India has not been lucky to secure a seat on the nucleus of 9 members appointed initially to form the Commission.

The Council has also established a *Commission on Narcotic Drugs* so as to avoid in the first place a break in the activities of the various Narcotic Commissions and in the application of conventions regarding narcotics. The Commission will also advise what permanent machinery should be established for performing all these functions. One of the consequences of the war is that the machinery to keep a tight control on traffic in opium and other narcotics has not been functioning in several areas. The urgency of this problem was recognised at San Francisco and the Council has rightly given a high priority to a consideration of this social problem. India is a member of this Commission.

One of the most urgent problems which the Preparatory Commission recommended for the consideration of the Council was the problem of refugees and displaced persons. Before the war the problem was serious enough though it was of a comparatively limited character. During the war it has assumed tremendous proportions with the result that neither the agency then devised nor the finances proposed are adequate to deal with it to-day. In considering this problem certain political aspects came to the surface and these aspects were dealt with by the General Assembly. The Economic Council has now decided to establish a Committee to deal with refugees and displaced persons taking into consideration the principles which have been laid down by the Assembly for its guidance. The Committee will consult the present Director of Inter-governmental Committee on Refugees and the Director-General of UNRRA and through such sub committees as it may establish it shall survey the whole problem, examine witnesses, consult organisations of refugees, make field trips to refugee camps for further investigations and submit proposals to the September session of the Economic and Social Council with such interim reports as it may be able to supply earlier. The Committee is asked to meet in London before the 1st April and the final report of the Committee will be circulated to the Members of the United Nations by the Secretary General in such good time as will enable the General Assembly to discuss it at the Second Part of its First Session. It is expected that the Economic and Social Council will deal with the report finally at the September session.

Another urgent question which formed the subject of consideration by the Council was the convening of an *International Conference on Trade and Employment*. The United States, after consultations with various individual Governments on the policy to be adopted and measures to be taken so as to develop fuller and freer trade between countries and establish a multilateral system, have made certain detailed proposals. It was at one time suggested that the United States may convene a conference on Trade and Commerce matters. The early establishment of the United Nations Organisation has obviously pointed to the advisability of convening such conferences by and under the auspices of the Economic and Social Council. The Council has therefore decided that the International Conference should be convened in the latter part of 1946. It is, however, necessary to have a proper agenda and documentation and perhaps a draft convention which will be adopted by all the Members attending the Conference so that the Conference may not merely result in the passing of pious resolutions but will commit Members to definite course of action. It is also possible that an Inter-governmental agency may be established for the purpose of more specifically dealing with the problems of international trade and commerce. The Council has therefore decided to constitute immediately a Preparatory Committee consisting of representatives of 20 Governments including India, whose duty it will be to prepare a draft agenda and documentation including a draft convention for the consideration of the Conference. The Preparatory Committee is expected to submit its report to the Member States and to the Council in time for the Council's recommendations on the agenda to be transmitted for the consideration of the International Conference.

The problems of transport and communications, both of a temporary and of a more permanent nature, have demanded the urgent attention of the Council. The temporary problems are obvious in a world where communications, internal and international, have been so badly shattered. On the

continent of Europe itself, travelling across distances, which are not even as much as the distances from one coast to the other in the U. S. A., the traveller came up against several hardships. Freight trains were under even greater handicaps. There were 19 different railway organisations in Europe before the war and the average maximum speed of a freight train on international freight train was 12 miles an hour and often as low as 5 to 6 miles an hour. It is considered that the present opportunity should be availed of to put this on a satisfactory basis. But the more permanent aspect of transport requires equally urgent attention. There have been a great many International Conferences on Aviation, Postal Communications, Radio Activities, and on a number of other matters connected with communications of one kind or another. A review of all international organisations in the transport and communications field is urgently called for. The co-ordination or even merger of existing Inter-governmental agencies seems to be highly desirable. A survey of problems not dealt with by any of the numerous existing organisations has to be undertaken. The Communications and Transit Organisation of the League of Nations will shortly be wound up and the disposition and possible allocation of its functions is urgently called for.

The Council has accordingly set up a *Temporary Transport and Communications Commission*, whose function will be to make a general review of the international organisation in the Transport and communication field, and to make its recommendations in all its aspects referred to in the previous paragraph and to make its recommendations to the Council at an early date. The Commission shall initially consist of a nucleus of 9 members appointed in their individual capacity. Sir Gurunath Bewoor is to be the representative of India on this nuclear Commission.

Disease is an inevitable corollary of war and the end of a long war such as the last will inevitably be followed especially in the depleted state of health of people of most countries by diseases of various kinds. Moreover the activities in the international field of public health which were being carried out by the League of Nations before the war have all come to an abrupt end. It is therefore desirable to immediately take up the broken threads, to repair the damage as urgently as possible before it is too late, to survey the machinery that is required for the establishment of these principles and policies and their adoption by Member States which will prevent the spread of disease to a world-wide scale. The Council has decided to call an *International Conference on Health* not later than June 20th. Meanwhile it has established a Technical Preparatory Committee of experts in Health who will prepare the agenda and submit proposals for the consideration of the United Nations and the Council and later of the proposed International Health Conference. The Technical Preparatory Committee of Experts in preventive medicine will meet in Paris not later than the 15th March and submit its report by the first of May. The Secretary General is instructed to convene the International Conference before the 20th June. India is represented on the Technical Preparatory Committee by Major C. Mani with Dr. C. L. Katial as alternate.

It will be seen that most of the activities of the Council have been of an organisational character and indeed this was inevitable at the first session of the Council but the very organisation that has been constituted is an indication of the volume of work which awaits the Council and of the important and difficult problems which the Council is to tackle. The Council has been asked under the Charter to bring into relationship Inter-governmental organisations having wide international responsibilities. The Council by its resolution has decided to initiate negotiations with the following inter-governmental organisations for bringing them into relationship with the United Nations:—

- the Food and Agriculture Organisation
- the International Labour Organisation
- the International Monetary Fund
- the International Bank for Reconstruction and Investment

the United Nations Educational, Scientific and Cultural Organisation and has established a Sub Committee of the Council to carry on negotiations with each of these organisations in the light of the observations that have been made by the Council on the obligatory and optional clauses which should be included in such agreements.

The Council is also expected to make suitable arrangements for consultation with non-governmental organisations which are concerned with matters within the competence of the Council. The General Assembly after a protracted discussion had decided to recommend to the Council that arrangements might be made for consultation with such non-governmental agencies and in particular with the World Trade Union Federation, with the International Co-operative Alliance and with the American Federation of Labour. The Council decided in the course of a resolution to appoint a Sub Committee, which would report on the arrangements necessary for consultations with non-governmental organisations, international, regional and national and in particular with the specific organisations mentioned in the recommendation of the General Assembly. These Sub Committees of the Council will be meeting during the interval between the two sessions of the Council. As the President of the Council will himself preside over these Sub Committees India will be indirectly represented on them.

The Council at an invitation from the International Monetary Fund to send an observer for the inaugural meeting of that Fund on the 8th March decided to request its President to attend the conference as an observer.

Finally the Council decided to have its next session on the 25th May at the Headquarters of the United Nations.

CHAPTER IX

CONCLUSION

The First Part of the First Session of the General Assembly of the United Nations saw the fructification of the hopes and the desires of the common humanity to have an institution which would enable mankind to settle its differences by means other than war and yet those of us who were fortunate enough to attend the historic session had to remind ourselves frequently that we were witnessing a historic occasion. This was perhaps due to the fact that from the beginning the Delegates took up a matter of fact attitude and were deeply conscious of the limitations of the situation. It was apparent that the Great Powers while anxious to have the Organisation were not as yet entirely free from the feelings of distrust of each other. It was not until after the session of the Security Council, which brought to the surface the hidden rivalries and jealousies more forcibly than anything else in recent international politics, that the sceptics realised that the architects of the United Nations had raised a structure which was capable of withstanding a storm even before the scaffoldings had been taken down. He would be a bold man who would forecast with exactitude what the future has in store for the new Organisation; but this much is certain, the world is tired of international rivalries and power politics and it sees in the new organisation its only hope for the future. Intellectually it is conscious of the numerous defects from which the Organisation is suffering, but it also realises that there is no alternative to it.

Thanks largely to the competent leadership of the Indian Delegation, India is gradually building for herself within the comity of nations a position of considerable influence and importance. The facts that she did not get on to the Security Council and also failed to secure a seat on the International Court of Justice do not in the least detract from that position. These failures if they can be so described, were more than made up by the unanimous election of the Leader of the Indian Delegation as President of the Economic and Social Council which is, in the opinion of many, the most important organ of the U. N. O. India was also successful in securing representation on most of the

commissions set up by the Economic and Social Council and is expected to lay her full part in the constructive work which the Economic and Social Council is going to undertake.

At this stage it will not be out of place to mention briefly the factors which influenced, and will continue to influence, elections in the U.N.O. In this connection I cannot do better than to quote the following observations recorded by Sir V. T. Krishnamachari in another connection:—

“Three factors affect the elections:

Firstly, voting tends to go in groups. The Latin Americans have twenty votes which primarily are guided by the interests of that Continent and the U. S. A. while moderating extreme demands, supports those countries. They thus obtained two seats out of six in the Security Council; four in the Economic and Social Council and four of the Judges. Another strong group centres round the U. S. S. R. Five states—Ukraine, White Russia, Yugoslavia, Czechoslovakia and Poland—always vote with the U.S.S.R. The Arab states often vote together but not invariably.

“Secondly, the Big Powers confer among themselves and if they agree on any matter, or candidate, can and do carry the other members with them.

Thirdly, those who work in conferences as delegates or advisers have an advantage over candidates who are not personally known. This was seen in the elections for the International Court. Countries which send strong delegations and do not change them have good chances at elections. I shall not attempt to elaborate these points further in their application for India.”

M. IKRAMULLAH.

Adviser/Secretary.

NEW DELHI,
The 8th May 1946.



APPENDIX 'A'

Resolution adopted by the General Assembly regarding the Extradition and Punishment of War Criminals

THE GENERAL ASSEMBLY

Taking note of the Moscow Declaration of 1 November 1943 by President Roosevelt, Marshal Stalin and Prime Minister Churchill concerning enemy atrocities in the course of the war, and of the declaration by certain allied governments of 13 January and 18 December 1943 concerning the same matter; and

Taking note of the laws and usages of warfare established by the Fourth Hague Convention of 1907; and

Taking note of the definition of war crimes and crimes against peace and against humanity contained in the Charter of the International Military Tribunal, dated 8 August 1945; and

Believing that certain war criminals continue to evade justice in the territories of certain states,

RECOMMENDS

That Members of the United Nations forthwith take all the necessary measures to cause the arrest of those war criminals who have been responsible for or have taken a consenting part in the above crimes, and to cause them to be sent back to the countries in which their abominable deeds were done, in order that they may be judged and punished according to the laws of those countries; and

CALLS UPON

The governments of States which are not Members of the United Nations also to take all necessary measures for the apprehension of such criminals in their respective territories with a view to their immediate removal to the countries in which the crimes were committed for the purpose of trial and punishment according to the laws of those countries.

APPENDIX 'B'

Resolution adopted by the General Assembly regarding the representation of non-governmental bodies on the Economic and Social Council.

THE GENERAL ASSEMBLY RECOMMENDS

(a) That the Economic and Social Council should as soon as possible adopt suitable arrangements enabling the World Federation of Trade Unions and the International Co-operative Alliance as well as other international non-governmental organizations whose experience the Economic and Social Council will find necessary to use, to collaborate for purposes of consultation with the Economic and Social Council.

(b) That the Economic and Social Council should likewise adopt as soon as possible suitable arrangements enabling the American Federation of Labour as well as other national and regional non-governmental organizations whose experience the Economic and Social Council will find necessary to use, to collaborate for purposes of consultation with the Economic and Social Council.

APPENDIX 'C'

Resolution adopted by the General Assembly regarding refugees

THE GENERAL ASSEMBLY,

Recognizing that the problem of refugees and displaced persons of all categories is one of immediate urgency and recognizing the necessity of clearly distinguishing between genuine refugees and displaced persons, on the one hand, and the war criminals, quislings, and traitors referred to in paragraph (d) below, on the other:

(a) DECIDES to refer this problem to the Economic and Social Council for thorough examination in all its aspects under item 10 of the Agenda for the First Session of the Council and for report to the Second Part of the First Session of the General Assembly;

(b) RECOMMENDS to the Economic and Social Council that it establish a special committee for the purpose of carrying out promptly the examination and preparation of the report referred to in paragraph (a); and

(c) RECOMMENDS to the Economic and Social Council that it take into consideration in this matter the following principles:

(i) this problem is international in scope and nature;

(ii) no refugees or displaced persons who have finally and definitely, in complete freedom, and after receiving full knowledge of the facts including adequate information from the governments of their countries of origin, expressed valid objections to returning to their countries of origin and who do not come within the provisions of paragraph (d) below, shall be compelled to return to their country of origin. The future of such refugees or displaced persons shall become the concern of whatever international body may be recognized or

established as a result of the report referred to in paragraphs (a) and (b) above, except in cases where the government of the country where they are established has made an arrangement with this body to assume the complete cost of their maintenance and the responsibility for their protection;

(iii) the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Such assistance may take the form of promoting the conclusion of bilateral arrangements for mutual assistance in the repatriation of such persons, having regard to the principles laid down in paragraph (c) (ii) above.

(d) **CONSIDERS** that no action taken as a result of this resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings, and traitors, in conformity with present or future international arrangements or agreements;

(e) **CONSIDERS** that Germans being transferred to Germany from other States or who fled to other States from Allied Troops, do not fall under the action of this declaration in so far as their situation may be decided by allied forces of occupation in Germany, in agreement with the Governments of the respective countries.

APPENDIX 'D'

Resolution adopted by the General Assembly, regarding the non-self-governing peoples.

The United Nations, meeting in its First General Assembly, is keenly aware of the problems and political aspirations of the peoples who have not yet attained a full measure of self-government and who are not directly represented here.

Chapters XI, XII and XIII of the Charter recognize the problems of the non-self-governing peoples as of vital concern to the peace and general welfare of the world community.

By Chapter XI, all the Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount. They accept, as a sacred trust, the obligation to promote to the utmost the well-being of the inhabitants of these territories. To that end they accept certain specific obligations, including the obligation to develop self-government and to assist the inhabitants in the progressive development of their free political institutions.

By Chapters XII and XIII, the Charter provides for the establishment of an international trusteeship system, the basic objectives of which are, among others, to promote the political, economic, social and educational advancement of the inhabitants of trust territories, and to promote their progressive development towards self-government or independence.

The General Assembly regrets that the Trusteeship Council cannot be brought into being at this First Part of the First Session, not because of any lack of desire to do so but because, before the Trusteeship Council can be established, trusteeship agreements must be concluded.

The General Assembly holds the view that any delay in putting into effect the system of international trusteeship prevents the implementation of the principles of the trusteeship system, as declared in the Charter, and deprives the populations of such territories as may be brought under the trusteeship system of the opportunity of enjoying the advantages arising from the implementation of these principles.

With a view to expediting the conclusion of these agreements and the establishment of the Trusteeship Council, the Preparatory Commission recommended that the General Assembly should call on those Members of the United Nations which are now administering territories held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter.

Without waiting for the recommendation of the Preparatory Commission to be considered by the General Assembly, the Members of the United Nations administering territories held under mandate took the initiative in making declarations in regard to these territories.

THEREFORE

WITH RESPECT TO CHAPTER XI OF THE CHARTER, THE GENERAL ASSEMBLY:—

(1) Draws attention to the fact that the obligations accepted under Chapter XI of the Charter by all Members of the United Nations are in no way contingent upon the conclusion of trusteeship agreements or upon the bringing into being of the Trusteeship Council and are, therefore, already in full force.

(2) Requests the Secretary-General to include in his annual report on the work of the Organization, as provided for in Article 98 of the Charter, a statement summarizing such information as may have been transmitted to him by Members of the United Nations under Article 73 (e) of the Charter relating to economic, social and educational conditions in the territories for which they are responsible other than those to which Chapters XII and XIII apply.

WITH RESPECT TO CHAPTERS XII AND XIII OF THE CHARTER, THE GENERAL ASSEMBLY :—

(3) Welcomes the declarations, made by certain States administering territories now held under mandate, of an intention to negotiate trusteeship agreements in respect of some of those territories, and in respect of Trans-Jordan to establish its independence.

(4) Invites the States administering territories now held under mandate to undertake practical steps, in concert with the other States directly concerned, for the implementation of Article 79 of the Charter (which provides for the conclusion of agreements on the terms of trusteeship for each territory to be placed under the trusteeship system), in order to submit these agreements for approval, preferably not later than during the Second Part of the First Session of the General Assembly.

IN CONCLUSION, THE GENERAL ASSEMBLY :—

(5) Expects that the realization of the objectives of Chapters XI, XII and XIII will make possible the attainment of the political, economic, social and educational aspirations of non-self-governing peoples.

APPENDIX 'E'

Provisional Scale of Advances to Working Capital Fund.

	Proposed Scale Adjusted	Amount of advances U. S. Dollars
Argentina	2-983	745,750
Australia	2-875	718,750
Belgium	1-329	332,250
Bolivia	0-256	64,000
Brazil	2-983	745,750
Byelorussian S. S. R.	0-738	184,500
Canada	4-362	1,090,500
Chile	0-994	248,500
China	6-400	1,600,000
Colombia	0-610	152,500
Costa Rica	0-049	12,250
Cuba	0-610	152,500
Czechoslovakia	1-447	361,750
Denmark	0-640	160,000
Dominican Republic	0-049	12,250
Ecuador	0-049	12,250
Egypt	1-497	374,250
El Salvador	0-049	12,250
Ethiopia	0-256	64,000
France	5-602	1,400,000
Greece	0-394	98,500

	Proposed Scale Adjusted	Amount of advances U. S. Dollars
Guatemala	0.049	12,250
Haiti	0.049	12,250
Honduras	0.049	12,250
India	4.391	1,097,750
Iran	0.610	152,500
Iraq	0.384	96,000
Lebanon	0.049	12,250
Liberia	0.049	12,250
Luxembourg	0.049	12,250
Mexico	1.615	403,750
Netherlands	1.428	357,000
New Zealand	0.994	248,500
Nicaragua	0.049	12,250
Norway	0.640	160,000
Panama	0.049	12,250
Paraguay	0.049	12,250
Peru	0.610	152,500
Philippines	0.256	64,000
Poland	1.231	307,750
Saudi Arabia	0.295	73,750
Syria	0.197	49,250
South Africa	1.989	497,250
Turkey	1.497	374,250
Ukrainian S. S. R.	1.231	307,750
U. S. S. R.	6.892	1,723,000
United Kingdom	14.768	3,692,750
United States	24.614	6,153,500
Uruguay	0.502	125,500
Venezuela	0.502	125,500
Yugoslavia	0.738	184,500
	100.00	25,000,000